

**THE BAN ON ABORTION AND THE POLITICIZATION OF WOMEN'S BODIES  
IN EARLY REPUBLICAN TURKEY BETWEEN 1923-1946**

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Submitted to

Central European University

Department of History

In partial fulfillment of the requirements for the degree of

Master of Arts

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Budapest, Hungary

2014

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## **Abstract**

This thesis explores the politicization of Turkish women's bodies in early republican Turkey, between 1923-1946, with regard to the ban on abortion and socio-political discourses of motherhood propaganda. After the proclamation of the Republic of Turkey on October 29, 1923, the early republican regime granted many modernized rights to women within the project of women's emancipation. However, at the same time, the new regime criminalized abortion and initiated strong pro-natalist policies by bringing reproduction under the state's biological control. In addition, new legislations passed contained some articles which had unequal treatment of women and put them in a secondary position in their private lives, and new educational structures directed girls to take gendered lessons to be ideal mothers and virtuous wives. By analyzing these formations as an important background for the ban on abortion, this thesis explores the politicization of women's bodies in terms of the ban on abortion, pro-natalist concerns, and their later mixing with eugenic discourses in which women were also strongly encouraged to bring up sturdy children for the future of the nation in addition to being expected to give more birth. At that point, the thesis also presents the legislations and social discourses regarding the idiosyncratic nature of eugenic concerns in order to show socio-political transformations began in the 1930s. By benefiting the contemporary journals, books, and newspaper stories, this thesis also shows the social representation of strict slander of abortion and glorification of motherhood in early republican Turkey.

## **Acknowledgments**

I would like to express my sincere gratitude to my supervisor Prof. Constantin Iordachi for his invaluable feedback that provided new perspectives and for his constant support. I am also grateful to my second reader Prof. Noemi Levy-Aksu for her eye-opening feedback and constant support. Furthermore, I want to express my gratitude for each faculty member of the Department of History at CEU for providing me an invaluable academic year.

I am also thankful to my previous professors, Nuray Bozbora and Nurşen Gürboğa, from my bachelor studies, for their important ideas and suggestions regarding the literature.

I am sincerely grateful to my sister Aslı Ayar and my aunt Melahat Yurtsever for their support, not only during this thesis-writing period, but in every step I have taken in my life. Last but not least, I am also sincerely grateful to my grandparents Kadriye and Hüseyin Yurtsever and my parents Sebat and Yavuz Soylu who deserve much more than these remarks here for supporting me throughout my life and making an effort for me to get to where I am today.

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## INTRODUCTION

The duty of Turkish woman is to raise generations who are strong enough to preserve and defend Turkish people with their mentality, physical power, and tenacity. The woman who is the source of the nation and the essence of social life can perform her duty as long as she is virtuous. It is unquestionable that woman should be very advanced.<sup>1</sup>

These statements made in 1925 by Mustafa Kemal Atatürk (hereafter Mustafa Kemal) who was the founder of the Republic of Turkey are illustrative of the new political vision on the established gendered roles and responsibilities in early republican Turkey. After the proclamation of the Republic of Turkey on October 29, 1923, the early republican regime<sup>2</sup> granted women many rights such as to divorce, have education, share equal inheritance, work, and vote in local elections in 1930 and in national parliamentary elections in 1934. However, the project of women's emancipation promoted by the early republican regime had its limits. Women were emancipated in the public life, but at the same time the early republican regime laid new duties and responsibilities on Turkish women by strongly encouraging them to be ideal mothers and virtuous republican wives of the new state system in addition to their expected integration with the public sphere and working life. While giving Turkish women many new and modernized rights in order to provide their emancipation, the early republican regime established new civil, criminal, and labor laws and new secular educational structures which determined the limits of women's emancipation and their familial and maternal roles.

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<sup>1</sup> Atatürk Kültür, Dil ve Tarih Yüksek Kurumu: Atatürk Araştırma Merkezi [Turkish: Supreme Institution of Atatürk Culture, Language, and History: Atatürk Research Center], *Atatürk'ün Söylev ve Demeçleri: I-III* [Turkish: *Atatürk's Discourses and Speeches: I-III*] (Türk Tarih Kurumu Basımevi, 1997), vol. 2, p.242, accessed on January 31, 2014, <http://kitaplar.ankara.edu.tr/dosyalar/pdf/552.pdf>

Here is the original text in Turkish translated by me: "Türk kadınının vazifesi, Türk'ü zihniyetiyle, bazusiyle, azmiyle muhafaza ve müdafaaya kadir nesiller yetiştirmektir. Milletin menbaı, hayatı içtimaiyenin esası olan kadın, ancak faziletkâr olursa vazifesini ifa edebilir. Herhalde kadın çok yüksek olmalıdır."

<sup>2</sup> Generally, the term "the Kemalist regime" is used in the literature. Instead, I use "the early republican regime" although some scholars have used the former in order to define also other periods after Mustafa Kemal's death in 1938. With the term "the early republican regime," I refer to the period of 1923-1946 which is the scope of my thesis. Yet, when I refer to or quote from other sources, I will use the term "the Kemalist regime."

The above-mentioned legal frameworks and socio-political structures shaped the lives of women by mostly limiting their roles in private lives and stressing the primary role of women as motherhood. In addition, the press in interwar Turkey made propaganda substantially on the subjects of motherhood and abortion. While women were expected to be more visible and modernized in the public life through the early republican reforms, motherhood was imposed by the early republican regime. Pro-natalist concerns became crucial in early republican Turkey, which resulted in shaping the new two-tier image of Turkish woman. The early republican regime gave much importance to increasing the country's population which was diminished by the long-standing wars conducted by the Ottoman Empire during the last decades of its existence. In this context, the early republican regime criminalized abortion on March 1, 1926, which had been criminalized in the late Ottoman period before. Women's wombs were politicized and taken under the biological control of the state. Motherhood was glorified and there was a strong public discourse regarding the procreative nature of Turkish women.

With the turn of the 1930s, politicization of women's bodies and population concerns went further owing to Turkish eugenic ideas in the socio-political conjuncture. Women were not only forced to have more children but also expected to raise strong and healthy generations in order to protect the future well-being of the race. Taking women's procreation under control by the state was legitimated by racial statements. This also affected the legal context which caused changes in 1936 within the Turkish Criminal Law including a stricter ban on abortion. The early republican regime changed the title of the section related to abortion to *Felonies against the Integrity and Health of the Race* in 1936. Marriage was strictly controlled by the early republican regime and childcare was given very much importance for the sake of the race. Pro-natalism was mixed with eugenic concerns and the early republican regime brought some limitations to specified social

groups about marriage and procreation. Contemporary journals, books, and social discourse also reflected all these legal changes and began a strong propaganda of pro-natalism which was mixed with concerns of the well-being of the race.

The early republican period and its reforms<sup>3</sup> have been subject to considerable research. Especially, with the beginning of the 1980s, the early republican regime's legal frameworks and the project of women's emancipation began to be criticized in Turkey. The post-1980 literature, especially the second-wave or the post-1980 feminism of Turkey,<sup>4</sup> advanced a critical perspective on women's emancipation in early republican Turkey by revealing its limits. This discourse not only brought a critical analysis of the project of Turkish women's emancipation but also a critical and analytical perspective on the early republican discourses and its legal frameworks, in its entirety.

Several works on the instrumentalization of the image of the Turkish need to be discussed within the context of this thesis. In an article on "Kemalism and Turkish Women,"<sup>5</sup> Zehra F. Arat points out that the Kemalist project of women's emancipation was limited in its aims. It is claimed in her article that male citizens were put at the center of the new nation-system in addition to the fact that the regime sacralized motherhood and this legal framework created a division of labor within the family structures which worked against gender equality.<sup>6</sup> In addition to analyzing gendered educational structures within the Kemalist regime, Arat also shows the articles from the Civil Law, Criminal Law, and Labor

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<sup>3</sup> In the literature, the reforms made after the establishment of the Republic of Turkey were generally called "the Kemalist reforms." Instead, I will use the term "the early republican reforms" in order to indicate the reforms made after the establishment of Turkey except when I refer to or quote from the literature that used the term "the Kemalist reforms."

<sup>4</sup> This term is applicable to the feminists in Turkey who started to develop a discourse in the 1980s against any kind of inequality to women such as pressures in private lives, patriarchal structures in society, and some of the legal frameworks provided by the early republican regime. See: Serpil Çakır, "Feminism and Feminist History-Writing in Turkey: The Discovery of Ottoman Feminism," *Aspasia*, vol. 1 (2007), accessed on February 1, 2014, <http://dx.doi.org/10.3167/asp.2007.010104> and Necla Arat, *Feminizmin ABC'si* [Turkish: *The ABC of Feminism*] (Ankara: Say Yayınları, 2010).

<sup>5</sup> Zehra F. Arat, "Kemalism and Turkish Women," *Women and Politics*, vol. 14, issue. 4 (1994), accessed on February 8, 2014, <http://www.tandfonline.com/doi/abs/10.1300/U5MieaglnAs>

<sup>6</sup> *Ibid.*, p. 61.



Law that had unequal treatment of women compared to male members of the family. Regarding the new image of Turkish woman during the nation-building process of the Republic of Turkey, another important source from the literature is the MA thesis entitled “Türkiye’de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi”<sup>7</sup> by Güven Gürkan Öztan. Öztan argues that women were used as a means by the early republican regime to achieve its educational, historical, economic, and socio-cultural goals. The thesis devotes a chapter to pro-natalist and eugenic discourses of the 1930s and 40s, and it explores the manner in which women’s bodies were taken under the biological control of the state.

The ban on abortion, reproduction, and citizenship formation are discussed by Ruth Miller in the article “Rights, Reproduction, Sexuality, and Citizenship in the Ottoman Empire and Turkey.”<sup>8</sup> Starting with the case studies of the late Ottoman period and the interwar years of the Republic of Turkey, Miller analyzes the gradual inclusion of the gender concept into the Ottoman and Turkish legal systems; the historical background of the ban on abortion and its justifications; perspectives of abortion, rape, and adultery in the Ottoman, Turkish, French, and Italian legal systems in a comparative manner; and the politicization of women’s wombs and reproduction roles. In respect of the comparison of the ban on abortion between the late Ottoman Empire and the Republic of Turkey, Ece Cihan Ertem explores the historical background of the ban on abortion in the last decades of the Ottoman Empire and the continuation of pro-natalist concerns in the early republican period despite its changed discourses, in “Anti-Abortion Policies in Late Ottoman Empire and Early Republican Turkey: Intervention of State on Women’s Body and

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<sup>7</sup> Güven Gürkan Öztan, “Türkiye’de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi” [Turkish: “Woman Image of Nationalism during the Nation-Building Process in Turkey”], (MA Thesis, Marmara University, 2004).

<sup>8</sup> Ruth A. Miller, “Rights, Reproduction, Sexuality, and Citizenship in the Ottoman Empire and Turkey,” *Journal of Women and Culture in Society*, vol. 32, no. 2 (Winter 2007), accessed on February 4, 2014, <http://dx.doi.org/10.1086/508218>

Reproductivity.”<sup>9</sup> The author claims that with the introduction of the politicization of women’s bodies in the public sphere, women’s bodies became state’s interference areas and their identities were reduced to motherhood during the early period of the Republic of Turkey.

With regard to the comparison of abortion and reproduction, another article by Miller, entitled “Politicizing Reproduction in Comparative Perspective: Ottoman, Turkish, and French Approaches to Abortion Law,”<sup>10</sup> provides a detailed analysis of the historical background of the politicization of reproductive behavior in the Ottoman Empire, the Republic of Turkey, and France. The author also explains the criminalization of abortion through biopolitical transformation, nation-state structures, and pro-natalist concerns starting in the 19<sup>th</sup> century.

Regarding the idiosyncratic socio-cultural and political conjuncture of Turkish eugenics in terms of politicization of women’s bodies in the early republican period, in “Eugenics, Modernity and Nationalism,”<sup>11</sup> Ayça Alemdaroğlu highlights the importance of eugenic discourses in interwar Turkey which were mixed with pro-natalist policies. After giving a summary of the history of eugenic formations throughout the world, the author explains the origins of eugenic opinions in early republican Turkey which were shaped by socio-political environment and different types of eugenics in interwar Europe. Alemdaroğlu provides an overview of the socio-political transformation of Turkey and a concise analysis of legislative changes with regard to eugenic concerns in the 1930s.

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<sup>9</sup> Ece Cihan Ertem, “Anti-Abortion Policies in Late Ottoman Empire and Early Republican Turkey: Intervention of State on Women’s Body and Reproductivity,” *Fe Journal*, vol. 3, no. 1 (2011), accessed on February 8, 2014, <http://cins.ankara.edu.tr/abortion.pdf>

<sup>10</sup> Ruth A. Miller, “Politicizing Reproduction in Comparative Perspective: Ottoman, Turkish, and French Approaches to Abortion Law,” *Hawwa*, vol. 5, issue. 1 (April 2007).

<sup>11</sup> Ayça Alemdaroğlu, “Eugenics, Modernity and Nationalism,” in *Social Histories of Disability and Deformity*, ed. David Turner and Kevin Stagg (London: Routledge Publishing, 2006), accessed on March 26, 2014, <http://en.booksee.org/book/1244486>

Although the Republic of Turkey experienced a remarkable transformation in the late 1920s, 30s, and the first half of the 40s regarding nation-building, racial legal frameworks, eugenics, and pro-natalism, it is crucial to indicate that neither pro-natalist concerns nor eugenic ideas were specific to the early republican regime of Turkey. Eugenic discourses were widespread in Europe and they affected Turkish eugenicists and intellectuals, too. Regarding pro-natalism and politicization of women's wombs, this case was not specific to early republican Turkey either due to the fact that there was a growing de-population concern in most parts of Europe since the end of the 19<sup>th</sup> century and after the First World War.

Another important point I would like to put forward is that owing to the international conjuncture, emphasizing women's traditional roles in the family and glorification of motherhood were not unique to the early republican period of Turkey but visible in many of the European countries at that time. Instead of just criticizing early republican Turkey as a patriarchal society by claiming that women's private roles were not changed by the early republican reforms and there was not gender equality in social life, I want to emphasize that the aim of my thesis is to analyze the early republican regime's strong emphasis of motherhood and the ban on abortion which was mixed with eugenic discourses in the 1930s and the early 40s in relation to the early republican regime's limited project of women's emancipation. At this point, I hope to contribute to the existing literature by analyzing the context of the ban on abortion and strong encouragement of motherhood in the early republican period and political discourses and social reflections of pro-natalist concerns with the politicization of women's bodies due to the fact that it is crucial to understand the links between limited project of women's emancipation and the ban on abortion in the early republican period.

My thesis addresses the following research questions:

- Which new rights did the early republican regime grant Turkish women and how did the legal and institutional frameworks that limited women's emancipation in their private lives affect the new image of Turkish woman?
- What was the contextualization of the ban on abortion and its later mixing with eugenic concerns in early republican Turkey in terms of politicization of women's bodies?
- How did the convergence of political and social discourses regarding motherhood and pro-natalist concerns affect the reflection of abortion in the press and propaganda?

My thesis consists of three chapters. The first chapter is divided into two sections. The first subchapter aims to explain the theoretical background of my thesis by applying theoretical explanations of Nira Yuval-Davis<sup>12</sup> regarding the relations between nation-state formation and construction of new gender roles, Michel Foucault<sup>13</sup> in terms of biopolitical transformation of sovereign powers, and Miller<sup>14</sup> with regard to politicization of reproductive behavior and abortion. The second subchapter analyzes the primary and secondary sources used. I will also clarify important terms used in my thesis such as *Turkish society*, *Turkish nation*, *Turkish race*, *the early republican regime*, in addition to the description of the idiosyncratic nature of Turkish eugenic concerns in the 1930s and the first half of the 40s.

The second chapter aims to analyze the project of women's emancipation introduced by the early republican regime of Turkey. This chapter consists of two sections. The first subchapter will provide an analysis of the nation-building process in which the new image of Turkish woman was primarily regarded as the mother. The second subchapter will

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<sup>12</sup> Nira Yuval-Davis, *Gender and Nation* (London: Sage Publications, 1997).

<sup>13</sup> Michel Foucault, "*Society Must be Defended*": *Lectures at the College de France*, ed. Mauro Bertani and Alessandro Fontana (New York: Picador, 2003), accessed on April 30, 2014, [http://rebels-library.org/files/foucault\\_society\\_must\\_be\\_defended.pdf](http://rebels-library.org/files/foucault_society_must_be_defended.pdf)

<sup>14</sup> Miller, "Politicizing Reproduction in Comparative Perspective: Ottoman, Turkish, and French Approaches to Abortion Law," p. 73.

analyze some important articles of the new legislations of the 1926 Civil Law, the 1926 Criminal Law, and the 1936 Labor Law. It will conclude that these articles had striking unequal treatments towards women which prevented gender equality. I will also provide an analysis of the new educational structures of the early republican regime in which girls were directed to take gendered lessons. This will show the limits of the project of women's emancipation and could be understood as an important socio-political background for motherhood emphasis.

The third chapter aims to provide an analytical framework of the politicization of Turkish women's bodies in early republican Turkey. This chapter has three sections. The first subchapter explains the legal status of abortion and its criminalization in the last decades of the Ottoman Empire. The second subchapter aims to show the socio-political conjuncture of early republican Turkey in which abortion was banned. In that section, I will also indicate the legal framework of abortion by showing how it was understood differently in certain situations, which is crucial to understand the socio-cultural mentality of the early republican regime. This section provides an analysis of the glorification of motherhood in propagandistic level through legal frameworks, social discourses, and the press. I will show how pro-natalism was mixed with eugenic concerns by analyzing important legal regulations such as the 1930 Public Health Law, the changes in Turkish Criminal Law in 1936 that increased punishments against illegal abortion and accepted it as a felony against the well-being of the race, and the 1938 Body Discipline Law.<sup>15</sup> The third subchapter analyzes social representations of abortion, pro-natalism, and eugenic concerns in journals, books, and the newspaper *Cumhuriyet* in addition to showing how illegal abortion cases were represented in newspaper stories.

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<sup>15</sup> The original name of the law in Turkish is "Beden Terbiyesi Kanunu." Alemdaroğlu uses the English term "The Body Discipline Law" in her writings and I will use the same English term in my thesis.

## CHAPTER 1: THEORETICAL FRAMEWORK, METHODOLOGICAL CONSIDERATIONS, AND DEFINITIONS OF KEY TERMS

I believe in the importance of explaining the theories relevant to my thesis and of drawing a picture of methodological considerations and definitions of key terms in order to contextualize the links between gender relations and nation, and the politicization of women's bodies regarding the ban on abortion within Turkish socio-political conjuncture. In this regard, in the following subchapter, I will examine Nira Yuval-Davis's theoretical explanations regarding the relations between gender construction and nationalist projects that see women always as part of the construction of national identity processes, which also defines men's duties and responsibilities at the same time in addition to seeing women as biological reproducers of nations. I will also point out Michel Foucault's theoretical explanations concerning the transformation of disciplinary power *take life or let live* into regulatory power *make live and let die*, which led to the process of controlling the population as a collective entity rather than sovereign powers' focusing on individual bodies. And I will show Ruth A. Miller's theoretical explanations regarding modern citizenship in the Republic of Turkey which she analyzes as a construction in which rights and equality are defined in a sexualized manner, women are political agents to the extent that they continue their sexual and reproductive roles in society, and the ban on abortion is contextualized according to concerns for depopulation of national and authoritarian state structures, which politicized reproductive behavior in the 19<sup>th</sup> and 20<sup>th</sup> century. After this subchapter, I will present the methodological framework of my thesis and define the key terms used in the thesis in order to clarify and elaborate my argument.

## 1.1 Theoretical Framework of the Thesis

Regarding the construction of new gender roles and providing rights according to the sexes of the citizens in early republican Turkey, it is important to analyze Yuval-Davis's argument that during the formation of nationalist projects, men's identity and responsibilities are constructed by the new regimes in addition to construction of women's identities at the same time,<sup>16</sup> which means that gender relations not only show the limits and new roles of women but also define the boundaries and the image of manhood. This argument applies to my thesis in several points since the new republican regime was constructing a new national identity of Turkishness after the proclamation of the Republic of Turkey and there were different rights and responsibilities specified according to the sexes of citizens. This situation meant that in spite of the fact that there was the project of women's emancipation introduced by the republican elites using the discourses of freedom and equality, there were articles in the new laws that were enacted against women, identifying men as the primary concern and the centre of power in the private lives of the citizens. I argue at that point that despite its modernization and bringing equality discourses, the early republican regime defined the rights and responsibilities of the citizens in a sexualized context, as argued by Miller.<sup>17</sup> This context paved the way of symbolizing female identity and motherhood as a core of the future of the nation owing to the fact that women were expected to be ideal mothers and wives in the new republican regime.

My argument that the early republican regime created symbols of ideal mothers as dutiful citizens corresponds with Yuval-Davis's argument which explains that not only the new bureaucratic group or intelligentsia but also women are constructed as the new

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<sup>16</sup> Yuval-Davis, *Ibidem*, p. 1.

<sup>17</sup> Miller, "Rights, Reproduction, Sexuality, and Citizenship in the Ottoman Empire and Turkey," p. 348.

representatives of a nation biologically and culturally.<sup>18</sup> It is possible to say that during the early period of the Republic of Turkey, women were made the new symbols of the new republican regime in many different ways; for instance they were expected to unveil, to dress according to Western norms, to participate in public life, and to integrate with society, but also to be ideal mothers who would bring up the future generations in scientific and modern ways and to be ideal republican wives which meant that they still had to follow their husbands' directions in their private lives. This situation necessitates going back to the argument I have previously pointed out as the links between gender relations and the construction of national projects which are not separable according to Yuval-Davis.<sup>19</sup> As building women's bodies as the symbols of a new national project is one of the components of national-building processes, this also helps new regimes to differentiate themselves from the previous ones by creating a different conjuncture and socio-cultural sphere in societies.<sup>20</sup> This was applicable to the experience of the early period of the Republic of Turkey since the new regime wanted to disintegrate with the Ottoman and traditional cultural heritages while, at the same time, constructing a new national and female identity which cannot be understood very well without analyzing the identity of manhood granted by the early republican regime. This entire complex situation resulted in new rights and responsibilities provided to women in addition to delimitation of female identity of *Turkish woman* in the context of reproductive rights, motherhood, and politicization of women's wombs.

Yuval-Davis analyzes three different discourses in the context of including women into national collectivities as biological reproducers of nations, which converges with my argument of the politicization of Turkish women's bodies in the context of the ban on

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<sup>18</sup> Yuval-Davis, *Ibidem*, p. 2.

<sup>19</sup> *Ibid.*, pp. 21-22.

<sup>20</sup> See: Nükhet Sirman, "Kadınların Milliyeti" [Turkish: "Women's Nationhood"], in *Modern Türkiye'de Siyasi Düşünce*, cilt. 4: Milliyetçilik [Turkish: *Political Thought in Modern Turkey*, vol.4: Nationalism], ed. Tanıl Bora (Istanbul: İletişim Yayınları, 2008), accessed on January 17, 2014, <https://disk.yandex.com.tr/public/?hash=xQgysjJ14ellAiWxGUhG6peFbXFtBz/QZGy5qh5qsKc%3D&locale=tr>



abortion and state propaganda of motherhood in the early period of the Republic of Turkey. Yuval-Davis explains three discourses as: people as power, Malthusian,<sup>21</sup> and eugenicist discourse; the first and the last of which are necessary to contextualize for my subject in Turkish socio-political construction and women's emancipation in the late 1920s and early 30s. She explains the first discourse, people as power,<sup>22</sup> with which wealth and future of nations are dependent on the growing population of societies. This consideration assumes that women's reproductive power is one of the most basic coherent elements that would affect the future of nations, which paves the way to the politicization of women's wombs and bodies by taking them under state's biological control. Here, it is convenient to point out that this opinion was similar in the early republican regime's ideological considerations since it was perceived that having a bigger population was one of the crucial elements of having a strong country economically, militarily, and culturally.<sup>23</sup>

As Yuval-Davis claims, pro-natalist policies might be implemented in societies with different ideological aims or political concerns which necessitate a bigger population power.<sup>24</sup> Early republican Turkey sought to increase the population as quickly as possible due to long-standing wars, since the last decades of the Ottoman Empire, which caused a loss of a big part of society. In addition to these concerns and getting affected by the rise of eugenic ideas throughout the European continent in the 1930s, Turkish politicians also started to give importance to eugenicist ideas in the Republic of Turkey in order to improve the quality of society, not only to increase the population. This applies to the third discourse specified by Yuval-Davis as eugenicist discourse. Due to the fact that Turkish eugenic ideas

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<sup>21</sup> Malthusian discourse sees continuous population growth as a danger for the future of societies. This approach was developed by Thomas Malthus, a British scholar in political economy and population.

<sup>22</sup> Yuval-Davis, Ibidem, p. 29.

<sup>23</sup> Kemal Arı, "Cumhuriyet Dönemi Nüfus Politikasını Belirleyen Temel Unsurlar" [Turkish: "Basic Components that Specified the Population Policy of Republican Era"], *Atatürk Araştırma Merkezi Dergisi* [Turkish: *Journal of Atatürk Research Center*], vol. 8, no. 23 (March 1992), accessed on January 31, 2014, <http://www.atam.gov.tr/dergi/sayi-23/cumhuriyet-donemi-nufus-politikasini-belirleyen-temel-unsurlar>

<sup>24</sup> Yuval-Davis, Ibidem, p. 30.

of the 1930s and racial politics of the time mentioned were idiosyncratic, I will elaborate the specific nature of Turkish eugenicist framework in the subchapter of methodological considerations and definitions of the key terms so as to give a clear understanding of what I mean by Turkish society and the politicization of women's bodies.

Another important argument relevant to my thesis is provided by Miller on the subject of connecting the modern Turkish citizenship with gender, sexuality, and reproduction. Miller argues that so long as Turkish women pursue their reproductive and sexual roles, they are able to participate with the public life, which gives them the right to be equal in this sphere.<sup>25</sup> At that point, it is vital to show another explanation by Yuval-Davis which claims that the transformation of traditional patriarchal relationships into a new system that leads men to subordinate women in the private lives but provides legal equality among the citizens is "as part of the bargain between the new regime and its member citizens."<sup>26</sup> This is also convergent with Miller's argument which states that rights, responsibilities, and equality were transferred to the legal framework in a sexualized context with regard to women's citizenship and women's bodies were made an area with which the regime can articulate rights and citizenship symbols.<sup>27</sup>

Within those above-analyzed arguments regarding sexuality, political powers' intrusion into private sphere, and the politicization of women's bodies, I believe it is important to cite some of Foucault's explanations here regarding the transformation of political sovereignty concerning the focus on population as a unity, inclusion of women's bodies into medical treatment, and controlling of reproductive behavior in the modern state structures. Foucault states that the right to life and death of subjects was accepted as one of

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<sup>25</sup> Miller, "Rights, Reproduction, Sexuality, and Citizenship in the Ottoman Empire and Turkey," p. 348.

<sup>26</sup> Yuval-Davis, *Ibidem*, p. 79.

<sup>27</sup> Miller, "Rights, Reproduction, Sexuality, and Citizenship in the Ottoman Empire and Turkey," p. 357.

the important characteristics of sovereign powers in the classical theory of sovereignty.<sup>28</sup> According to Foucault, the political right of the sovereign power was transformed owing to socio-political developments in the 19<sup>th</sup> century, which resulted in transformation of the power to “take life or let live”<sup>29</sup> into “‘make’ live and ‘let’ die.”<sup>30</sup> It is explained in this argument that while the techniques of power of the 17<sup>th</sup> and 18<sup>th</sup> centuries, which were named by Foucault as disciplinary techniques, focused on governance of individual bodies, systems of the 19<sup>th</sup> century called by Foucault as non-disciplinary and regulatory techniques saw individuals and their bodies as a group of population who were affected by birth, death, diseases, and so on.<sup>31</sup> In other words, Foucault clarifies his argument by pointing out the former as a structure who saw individuals as “man-as-body”<sup>32</sup> whereas the latter saw them as “man-as-species,”<sup>33</sup> which opened the path of establishment of biopolitics from the end of the 18<sup>th</sup> century, as “a set of processes such as the ratio of births to deaths, the rate of reproduction, the fertility of a population, and so on.”<sup>34</sup>

Given the fact that there were matter of concerns regarding the population as explained above, a new function emerged at the end of the 18<sup>th</sup> century in order to coordinate and distribute medical knowledge and inform the population, named as public hygiene which resulted in creating a different element of population; as claimed by Foucault.<sup>35</sup> In his opinion, the new element of population was no longer an entity consisting of individual bodies whose amount could be known and taken under control by the political power, but it was an abstract concept which provided a new perception of population that

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<sup>28</sup> Foucault, *“Society Must be Defended”: Lectures at the College de France*, p. 240.

<sup>29</sup> Ibid., p. 241.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid., pp. 241-242.

<sup>32</sup> Ibid., p. 243.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., p. 244.

accepted all individuals as parts of a collective entity being controlled by the new modern state structures and with which biopolitics would concentrate on.

With regard to transformation of individual bodies into a collective entity of population from a modern state perspective, it is necessary to explain the relationship between this transformation process throughout the 19<sup>th</sup> century and the formation of sexuality and procreative behaviors, as argued by Foucault.<sup>36</sup> According to Foucault, there were two adjustments caused by the sovereign power's inefficiency to control society economically and politically which was exposed to demographic explosion and industrialization. In order to control both individuals and population as a collective entity, sexuality was articulated as an arena where sovereign power tried to take individual bodies under control with disciplinary techniques, which was the first adjustment, and to control population with procreative effects and regulatory mechanisms, which was the second adjustment.<sup>37</sup> This and the above-explained arguments of Foucault are applicable to the early republican period of Turkey since the republican elites wanted to take control of both reproductions of the population and women's individual bodies, with the medical knowledge.

In addition, in the late Ottoman and early republican Turkish context, we can see the transformation of focal points and concerns about reproduction levels in society. While the Ottoman ruling system was focusing on the life of the fetus regarding the discussions of abortion in the 17<sup>th</sup> and 18<sup>th</sup> centuries, from the beginning of the 19<sup>th</sup> century, the ruling elites started to have concerns about depopulation problems by focusing more on the socio-cultural effects of abortion in the population, seeing it as a collective entity. Here, Miller's

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<sup>36</sup> For further analysis regarding the construction of sexuality, see: Michel Foucault, *The History of Sexuality: Volume I: An Introduction* (New York: Pantheon Books, 1978), accessed on April 30, 2014, <http://suplaney.files.wordpress.com/2010/09/foucault-the-history-of-sexuality-volume-1.pdf>

<sup>37</sup> Foucault, "Society Must be Defended": *Lectures at the College de France*, pp. 249-250.

argument is also important to take into consideration due to the fact that she claims that at the beginning of the 19<sup>th</sup> and 20<sup>th</sup> centuries, national or authoritarian state structures tried to control and politicize reproductive behavior owing to growing concerns of population decrease,<sup>38</sup> which was also ascertainable in the late Ottoman and the early republican Turkish context.

In order to clarify my argument and draw a better picture of the terms and concepts used in my thesis, in the following subchapter, I will firstly point out methods and sources which will be used to support my argument. And then, I will explain and clarify some of the key notions I will be dealing with throughout my thesis such as Turkish society, the early republican regime, Turkish nation/race, patriarchy, and socio-political and cultural contexts of the 1920s and 30s, with regard to differences of conjuncture.

## **1.2 Methodological Considerations and Definitions of Key Terms**

As it was previously explained, the early republican regime of Turkey granted new and many rights to women during the process of establishing a modern and secular country. Turkish citizens were expected to have different and more modern life-styles than during the Ottoman socio-cultural context. However, the project of women's emancipation was limited due to the fact that there was a continuity of traditional familial roles in society and male dominance within the private lives of couples. In addition to this situation, the emphasis on motherhood became an important factor for the construction of the image of new republican women during the 1920s and 30s. Women were expected to give birth to more children and their bodies were politicized while the early republican regime introduced women's

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<sup>38</sup> Miller, "Politicizing Reproduction in Comparative Perspective: Ottoman, Turkish, and French Approaches to Abortion Law," p. 73.

emancipation. In order to understand the socio-political context of the early republican years in which the limited formation of the project of women's emancipation and the ban on abortion should be analyzed, I will include features of the new legislations introduced after the proclamation of the Republic of Turkey, some of the statements of Mustafa Kemal, articles of important scholars published in the journals of the 1920s, 30s, and the early 40s, newspaper stories in the newspaper *Cumhuriyet*, some contemporary books, and some parliamentary speeches during the times of changing some articles of the legislations regarding the ban on abortion, as my primary sources of the thesis.

While using the new legislations which were introduced by the early republican regime and brought new and equal rights to women, I will state some of the articles of these new legislations that put men at the primary focus and made them leaders in private lives. In addition to showing these structures, *Ülkü: Halk Evleri Dergisi*, *Yeni Türk Mecmuası*, and *Ülkü: Milli Kültür Dergisi* will be part of my primary sources as effective journals of the interwar years of Turkey which include important writings concerning population, abortion, and gender roles in society. In this regard, so as to see how illegal abortions, the women who had illegal abortions, and doctors who made illegal abortions were reflected in the press, I will analyze some of the news from the 1930s and 40s written in the newspaper *Cumhuriyet*. The secondary sources of my thesis will consist of books, academic journals, articles, book chapters, and some electronic sources about the nation-building process of the Republic of Turkey, new gender roles, and the ban on abortion and its link with the politicization of women's bodies.

Another important part of this section of the chapter consists of defining some of the key notions I have been using in my thesis. Firstly, it is necessary to clarify the terms *Turkish society* and *Turkish nation* when I use these concepts in my thesis. In spite of the fact that the early republican regime created a new secular and national state, the country

was not in a homogenous situation and Turkification policies initiated by the new government affected non-Turkish and non-Muslim population in the Republic of Turkey in many ways. Rights of minorities were guaranteed with the Treaty of Lausanne, signed in July 1923.<sup>39</sup> This treaty accepted non-Muslim groups as minority, which meant that other Muslim groups who were not ethnically Turkish were excluded from being granted a minority status. Despite all these complicating issues, it might be said that Turkish nationalism introduced by the early republican regime was open to assimilation and inclusion of non-Turkish and non-Muslim groups into Turkishness through different ways such as conversion to Islam or adapting Turkish language.

Through the above explanations, it is necessary to analyze Soner Cagaptay's explanations of "Kemalism's three zones of Turkishness."<sup>40</sup> Cagaptay states that the first category of Turkishness according to Kemalist nationalism was territorial status which was the most encompassing factor that accepted all the inhabitants of the Republic of Turkey as Turks.<sup>41</sup> The second element of Turkishness expressed by Cagaptay is religion which accepted all non-Turkish Muslim groups as Turks and put non-Muslim parts of society in a lower category in the citizenship hierarchy through daily practices.<sup>42</sup> It was one of the biggest challenges for the early republican regime at that time. They relied on Turkish and, paradoxically, Islamic identity despite the drive for secularization: Republican elites, while challenging the role of religion, used this identity to define and distinguish themselves from non-Muslims within the new republic as it was also experienced during the compulsory exchange of populations between Greece and Turkey. The last category defined by Cagaptay is Muslim groups of ethnic Turks, which was the least inclusive element of

<sup>39</sup> Minna Rozen, ed. *The Last Ottoman Century and Beyond: The Jews in Turkey and the Balkans, 1808-1945*, vol. 1, (Jerusalem: Graphit Press Ltd., 2005), p. 226.

<sup>40</sup> Soner Cagaptay, *Islam, Secularism, and Nationalism in Modern Turkey: Who is a Turk?* (Oxon: Routledge Publication, 2006), p. 159.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

Turkishness.<sup>43</sup> While this version sees Turkishness as an element of society depends on nationality, the first element stated by Cagaptay sees Turkishness as a unitary element created by citizenship status.

Despite some unequal treatments towards ethnic and religious minorities in the Republic of Turkey during the interwar years,<sup>44</sup> in the official statements, Turkishness was rather used to define the whole society living in the Republic of Turkey. In my thesis, when I use the terms *Turkish society* or *Turkish nation*, I will be referring the first and most inclusive version of Turkishness, provided by Cagaptay, which accept all people including religious and ethnic minorities in the territory of the Republic of Turkey as Turks. In addition, it is vital to point out a more racial version of Turkishness which was defined idiosyncratically during the 1930s in the Republic of Turkey via *the Turkish History Thesis*,<sup>45</sup> *the Sun Language Theory*, and *'Citizen, Speak Turkish' Campaign*.<sup>46</sup> Due to the fact that *Turkish race* was a concept used in the 1930s and 40s and included in the journals, newspapers, books, legislation, and parliamentary speeches at that time, I will explain to what extent the term Turkish race formed by the early republican regime was considered inclusive and in which special context the term was used as a key defining characteristic of society.

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<sup>43</sup> Cagaptay, *Islam, Secularism, and Nationalism in Modern Turkey: Who is a Turk?*, p. 160.

<sup>44</sup> There were some exemplary cases in the interwar period that, for instance, Turkish ethnicity was necessary to be able to work in state cadres even if the person had Turkish citizenship. This rather explains that there was not a monotype Turkish nationalism at that time. See: Cagaptay, *Islam, Secularism, and Nationalism in Modern Turkey: Who is a Turk?*, pp. 69-70.

<sup>45</sup> See: Büşra Ersanlı, "Bir Aidiyet Fermanı: 'Türk Tarih Tezi'" [Turkish: "An Edict of Belonging: 'The Turkish History Thesis'"], in *Modern Türkiye'de Siyasi Düşünce*, cilt. 4: Milliyetçilik [Turkish: *Political Thought in Modern Turkey*, vol. 4: Nationalism], ed. Tanıl Bora (Istanbul: İletişim Yayınları, 2008), accessed on January 17, 2014,

<https://disk.yandex.com.tr/public/?hash=xQgsyJ14eIIAiWxGUhG6peFbXFtBz/QZGy5qh5qsKc%3D&locale=tr>

<sup>46</sup> The original names of the terms in Turkish are: *The Turkish History Thesis* for the Turkish term *Türk Tarih Tezi*, *the Sun Language Theory* for the Turkish term *Güneş Dil Teorisi*, and *'Citizen, Speak Turkish' Campaign* for the Turkish term *'Vatandaş, Türkçe Konuş' Kampanyası*.



The Turkish History Thesis which stated that Turks were brachycephalic and inheritors of the big civilizations such as Sumerian, Egyptian, Greek, and Hittite<sup>47</sup> gave the early republican regime an opportunity to disintegrate society culturally and socially with the Ottoman and Islamic past of Turkish people. In this regard, *Main Themes of Turkish History*,<sup>48</sup> a 606-page book that was the manifestation of the Turkish History Thesis was published in 1930.<sup>49</sup> In 1931, *The Investigation Society of Turkish History*<sup>50</sup> revised this book and published *Main Themes of Turkish History – Introduction Part*.<sup>51</sup> The Turkish History Thesis claimed that “all Anatolia’s inhabitants were Turks,”<sup>52</sup> which paved the way for the early republican regime to accept all the people in the Republic of Turkey as groups belonging to Turkish race and to let any of the groups who did not speak Turkish learn the language and be assimilated into Turkishness. In this regard, the Sun Language Theory is important to point out since it claimed that most of the main languages in the world had Turkish language origin. It made Turkish language one of the most important components of belonging to Turkishness in the 1930s. I would like to point out a statement done by Mustafa Kemal before the First Turkish History Congress:

One of the significant characteristics of the nation is language. One, who regards himself as a member of Turkish nation, should first of all and in every case, speak Turkish. If, someone, who does not speak Turkish, claims membership to Turkish culture and community, it would not be right to believe in this.<sup>53</sup>

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<sup>47</sup> Soner Cagaptay, “Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s,” *Middle Eastern Studies*, vol. 40, no. 3 (May 2004): 88, accessed on February 8, 2014, <http://dx.doi.org/10.1080/0026320042000213474>

<sup>48</sup> Here, the English term was translated from Turkish by me. The original name of the book in Turkish is *Türk Tarihinin Ana Hatları*.

<sup>49</sup> Cagaptay, “Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s,” p. 87.

<sup>50</sup> The original name of the society in Turkish is *Türk Tarihi Tetkik Cemiyeti*.

<sup>51</sup> Here, the English term was translated from Turkish by me. The original name of the book, which was revised and published in 1931, in Turkish is *Türk Tarihinin Ana Hatları – Methal Kısmı*.

<sup>52</sup> Cagaptay, “Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s,” p. 88.

<sup>53</sup> İsmail Arar, “Atatürk’ün Günümüz Olaylarına Işık Tutan Bazı Konuşmaları” [Turkish: “Some Speeches of Atatürk that Shed Light on Our Current Events”], *Belleten*, vol. 45-6, no. 177 (1981): pp.23-24, quoted in Cagaptay, “Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s,” p. 89. The original title of the writing in Turkish was translated by me, and I have not seen Arar’s writing myself.

According to Cagaptay, “such emphasis made language-through-ethnicity and race the main markers of Turkishness.”<sup>54</sup> Language became the vital point of being Turk in the 1930s, which gained its intensity with the above-mentioned campaign. Many of the religious minority groups such as the Jewish community, Greeks, and Armenians in the Republic of Turkey in the 1930s responded to this campaign by supporting to learn Turkish and being assimilated into the fabric of Turkishness. It is shown by Cagaptay that, for instance, the Jewish community in Izmir introduced this campaign in order to be accepted by and participate with Turkish society since they wanted to get rid of the nationalist pressure externalized upon them caused by their economic integration and success and their support of short-lived opposition political party of 1930.<sup>55</sup> Although some Jewish groups were glad to be included by Turkish nationalism through assimilation and linguistic ties, it is understandable that some of them were anxious about their future in the Republic of Turkey. Some groups were publicly harassed because of not speaking Turkish language in the public sphere.<sup>56</sup>

Depending on the idiosyncratic nature of the early republican period’s usage of the term *Turkish race*<sup>57</sup> which was stated and practiced in the 1930s and 40s through language and assimilation rather than dividing the groups according to their genetic past, I will refer to this term in my thesis in order to show how social aspects, the publications, and official discourse defined all the citizens in the Republic of Turkey which included ethnically and religiously different units, and to emphasis the strict and idiosyncratic definition of

<sup>54</sup> Cagaptay, “Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s,” p. 89.

<sup>55</sup> Ibid., pp. 93-94.

<sup>56</sup> Foreign Office, FO 371/16985/E2053, Embassy (Constantinople) to the Foreign Office (London), 6 April 1934, referred in Cagaptay, “Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s,” p. 95. I have not seen the document, which was referred in Cagaptay’s text, myself.

<sup>57</sup> See: Emre Arslan, “Türkiye’de Irkçılık” [Turkish: “Racism in Turkey”], in *Modern Türkiye’de Siyasi Düşünce*, cilt. 4: Milliyetçilik [Turkish: *Political Thought in Modern Turkey*, vol. 4: Nationalism], ed. Tanıl Bora (Istanbul: İletişim Yayınları, 2008), accessed on January 17, 2014, <https://disk.yandex.com.tr/public/?hash=xQgysjJ14ellAiwXGUhG6peFbXFtBz/QZGy5qh5qsKc%3D&locale=tr>

Turkishness, although it was not my aim or claim to appeal to term *Turkish race*. However, since it was widely used in some of the primary sources of my thesis, I will be using this term just to show an idiosyncratic racial version of Turkishness without asserting the term *Turkish race*. While explaining and analyzing the socio-political conjuncture of the 1930s and the early 40s and the primary sources of my thesis that used this term, *Turkish race* would be referred from the primary sources through the lines of accepting all the parts of society as Turks except the minority groups who rejected to be assimilated through Turkish language.

Another important clarification which is necessary for my thesis is the term *the early republican regime*. After the proclamation of the Republic of Turkey, the country was ruled by one-party system until 1946. When I use the term *the early republican regime*, I will be referring to the period from 1923 to 1946, which was the scope of my thesis regarding the construction of gender roles and politicization of women's bodies within the context of the ban on abortion and motherhood. In the above-mentioned period, Mustafa Kemal was the president of the Republic of Turkey and chairperson of the *Republican People's Party* until his death on November 10, 1938; after that, İsmet İnönü became the president until 1950 and continued the chairperson of the *Republican People's Party* until 1972. In spite of the fact that there were some political disagreements between these leaders and İnönü was the prime minister during Mustafa Kemal's presidency, except for some short periods after the establishment of the republic and before Mustafa Kemal's death, when I use the term *the early republican regime of Turkey*, I will mean the one-party ruling of the country.<sup>58</sup>

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<sup>58</sup> The first opposition party, the Progressive Republican Party [Turkish: Terakkiperver Cumhuriyet Fırkası] was established in 1924 and continued its existence until 1925. This was considered the first attempt to try multi-party system in Turkey. The second attempt was to establish the Free Republican Party [Turkish: Serbest Cumhuriyet Fırkası] which only existed for a few months in 1930. Apart from these, there was only one political party in the Republic of Turkey until 1946, which was the Republican People's Party [Turkish: Cumhuriyet Halk Partisi].

Last but not least, I would like to point out socio-political and structural differences of the 1930s and early 40s vis-à-vis the late 20s regarding the ban on abortion, motherhood propaganda, and population concerns. During the 1930s with the rise of Turkish eugenic ideas, stricter ban and slander of abortion in the journals increased since not only women were forced to have more children but also to bring up robust and healthy children.<sup>59</sup> In that period, eugenic ideas began to become prevalent in Turkish society and political environment owing to the rise of eugenic discourses in the world and big concerns of the republican elites about the quality of the population in society in addition to its quantity. However, a further clarification is necessary here since Turkish eugenic ideas throughout the 1930s and early 40s did not aim at preventing a specific ethnic or religious group from having more children in spite of the fact that there were some restrictions for some social groups to have more children. In this regard, Turkish eugenic legal implementations were in a different context than the ones in Europe during the interwar period although it is not known whether there was any practical enforcement – rather than using a legal framework - against some ethnic or religious minority groups to have more children.

Here, it is important to return to the explanations of Yuval-Davis concerning inclusion of women into national collectivities as biological reproducers of nations, one way of which has eugenicist discourse. She explains that eugenics focuses on the quality of the population, not on the size of it.<sup>60</sup> I find important to point out the specific character of Turkish eugenic ideas which wanted to increase the quality of society and were mixed with concerns of depopulation problems that concentrated on increasing the population at the same time. During the 1930s, in addition to this concern, eugenic ideas were added to the

<sup>59</sup> Güven Gürkan Öztan, “Erken Cumhuriyet Döneminde Sosyo-Politik Bir Proje Olarak Çocuk Bakımı” [Turkish: “Childcare as a Socio-Political Project during the Early Republican Period”], *Hayat Sağlık: Sağlık ve Sosyal Bilimler Dergisi* [Turkish: *The Life, the Health: Journal of Health and Social Sciences*], issue. 2 (July 2010): 16-17, accessed on January 18, 2014, <http://hayatsaglik.org/anasayfa/wp-content/uploads/Erken-Cumhuriyet-D%C3%B6neminde.pdf>

<sup>60</sup> Yuval-Davis, *Ibidem*, p. 31.

political and social conjuncture of Turkey, which necessitated women to give birth to more children and bring up a healthier generation in spite of the fact that there were some social groups prevented from having children in order to protect society.

In the next chapter, before going through the ban on abortion historically, the propaganda on motherhood, and the idiosyncratic nature of Turkish eugenic ideas of the 1930s and early 40s, I will show how the early republican regime created a new ideal citizenship model and to what extent the project of women's emancipation brought equality to women. After analyzing the new gender roles and construction of the image of Turkish woman by the early republican regime, I will show some articles that included unequal treatments towards women from the legislations which brought equality and freedom to Turkish women before the law at the same time.

## **CHAPTER 2: THE PROJECT OF WOMEN'S EMANCIPATION AND THE CONSTRUCTION OF NEW GENDER ROLES BY THE EARLY REPUBLICAN REGIME**

With the proclamation of the Republic of Turkey, the early republican regime introduced a nation-building process within the lines of Turkishness which both necessitated disintegration from the Ottoman cultural and traditional values and new gender constructions in Turkish society. Even though the regime wanted to break with Ottoman connections of society and introduced a modernization process through many reforms some of which aimed to emancipate women, a new model of womanhood which was constructed by the early republican regime was taken under control at the same time. Bringing modernization to Turkish society, constructing new gender roles, and providing women's emancipation did not mean that Turkish women were allowed to go their own ways through the new rights provided by the republic. The boundary of this new republican womanhood was drawn by the early republican regime by transforming the traditional familial roles into a modern discourse in which they were expected to be ideal republican wives and mothers in addition to participating in the public sphere.

Given the fact that there was a complicated situation and a new image of womanhood<sup>61</sup> that both expected modernized women participating in public life and being dutiful mothers at the same time who had to bring up their children according to the scientific and modernized ways so as to provide a new and good population for the young republic, new rights did not affect and change the private lives of women and patriarchal hierarchy. In this regard, the ban on abortion and motherhood propaganda could be more contextualized by linking all these implications. In the next subchapter, I will firstly

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<sup>61</sup> To analyze visual descriptions of Turkish women in the contemporary time, see: Nurşen Gürboğa, "Images of Women: Visual Depiction of Women by the Popular Periodicals of Early Republican Turkey: 1920-1940" (MA Thesis, Bosphorus University, 1996).

elaborate my argument concerning the project of women's emancipation and the new image of Turkish woman introduced by the early republican regime, and then I will focus on some of the articles of the legislations accepted by the new republic in which there was unequal treatment of women in some aspects, subordinating them to their husbands in their private lives.

## 2.1 The Project of Women's Emancipation and the New Image of Turkish Woman

When the early republican regime started to modernize the country by introducing many reforms, it was not a coincidence that they were called 'revolutionary reforms' since the main aim was not to make some changes within society but to create a totally new social model within the national framework. Modernization of the country was not only to give new social and economic rights to the new nation's citizens but also to draw the boundaries of modernization and to be in the saddle of the project of women's emancipation and nation-building process by getting rid of the Islamic and Ottoman heritage. It is important to say that Mustafa Kemal was strongly affected by the ideas of Ziya Gökalp<sup>62</sup> for both topics which were two of the most important subjects and symbols of the modernization project.

Ziya Gökalp expressed his opinions about the national modernization project by differentiating it from westernization. He supported the idea that westernization and modernization are not the same things.<sup>63</sup> For Gökalp, there was no inconsistency or contradiction between Turkification and modernization.<sup>64</sup> While focusing on the 'pre-

<sup>62</sup> Ziya Gökalp (1876-1924) was an important leading sociologist and writer who is considered to have affected the theoretical backgrounds of Turkish nationalism during the years of the Ottoman disintegration.

<sup>63</sup> Jenny B. White, "State Feminism, Modernization, and the Turkish Republican Woman," *New World Sciences Academy Journal*, vol. 15, no. 3 (Fall 2003): 147, accessed on November 30, 2013, <http://www.jstor.org/stable/4317014>

<sup>64</sup> Murat Belge, "Mustafa Kemal ve Kemalizm" [Turkish: "Mustafa Kemal and Kemalism"], in *Modern Türkiye'de Siyasi Düşünce*, cilt. 2: Kemalizm [Turkish: *Political Thought in Modern Turkey*, vol. 2:

Islamic' Turkish identity and its praise because of giving egalitarian rights to women, this attitude not only helped the republican elites to put the nation-building process into practice easier in order to be able to get rid of the Ottoman and Islamic culture but also provided them an advantage to have control over the new social and gender roles' limits<sup>65</sup>. Trying not to give references to the 'West' on the subject of modernization was important in both ways. Ziya Gökalp did not feel so comfortable with Western individualism<sup>66</sup> since it might have had a place within the new Turkish society and provided an atmosphere to give women opportunities to have an independent feminist movement, which was not supported by the early republican regime at that time.<sup>67</sup> Since limits of the new citizen image had to be depicted by the early republican regime, it started a series of radical reforms in order to modernize the country.

Following the proclamation of the Republic of Turkey in October 1923, the early republican regime introduced new social and economic rights during the second half of the 1920s, except political suffrage for women at the local level in 1930 and at the national level in 1934; however, at the same time no grass-roots feminist movement was allowed to occur in Turkish society since it could have threatened the new gender roles shaped and implemented by the early republican regime. Contrary to common beliefs, granting political rights to women was not an agenda initiated and planned only by the republican elites, but it was also created and planned by the feminist women who dealt with the question of women by supporting political rights, raising awareness of the importance of education and taking

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Kemalism], ed. Ahmet İnel (Istanbul: İletişim Yayınları, 2009), p. 34, accessed on January 17, 2014, <https://serdargunes.files.wordpress.com/2012/04/modern-turkiyede-siyasi-dusunce-cilt-2-kemalizm.pdf>

<sup>65</sup> White, Ibidem, pp. 147-148.

<sup>66</sup> Ibid., p. 147.

<sup>67</sup> The establishment of the Women's Party on June 16, 1923, which was founded before the Republican People's Party that was founded on September 9, 1923, was rejected. Instead, upon government recommendation, women activists founded the Union of Turkish Women [Turkish: Türk Kadınlar Birliği] in 1924, aimed at educating women, supporting Anatolian girls coming to Istanbul for education, teaching foreign languages, encouraging women to work, and educating them to be ideal mothers. See: Yaprak Zihnioğlu, *Kadinsız İnkılap* [Turkish: *Revolution without Women*] (Istanbul: Metis, 2003).



active roles in the socio-political administration of the new state from the last years of the Ottoman Empire.<sup>68</sup>

After granting national political suffrage to women, it became one of the prides of the early republic concerning women's emancipation. Despite the early republican rhetoric that claimed women were granted their rights even if they did not struggle for them, some feminist activists, for instance Nezihe Muhittin,<sup>69</sup> who was a writer and a pioneer for women's suffrage and one of the most important figures for the rights of women during the Ottoman Empire and the first decade of the Republic of Turkey, were in favor of obtaining political suffrage as quickly as possible after the establishment of the Republic of Turkey. Muhittin explained her desire: "How can this right [political suffrage] be denied to the woman who is able to understand herself and has a great education while it [political suffrage] is granted to someone who is having hashish as a tranquilizer on the couches of coffeehouses?"<sup>70</sup>

In spite of this activism and feminist women's concerns regarding political suffrage, it was stated in the journals that Turkish women should be very happy due to the fact that they had gotten their political rights without any struggle or fight, which had been an issue for women in England and Europe where they had to fight for many years in order to get

<sup>68</sup> [http://www.obarsiv.com/pdf/YaprakZihnioğlu\\_NB.pdf](http://www.obarsiv.com/pdf/YaprakZihnioğlu_NB.pdf), accessed on November 10, 2013.

<sup>69</sup> See: Serpil Çakır, "Nezihe Muhittin," in *A Biographical Dictionary of Women's Movements and Feminism: Central, Eastern, and South Eastern Europe, 19th and 20th Centuries*, ed. Francisca de Haan, Krassimira Daskalova and Anna Loutfi (Budapest: Central European University Press, 2006).

<sup>70</sup> Nezihe Muhittin, "Kadın Yolunun Şiârı" [Turkish: "The Symbol of Woman's Path"], in *Yeni Harflerle Kadın Yolu/Türk Kadın Yolu (1925-1927)* [Turkish: *Woman's Path/Turkish Woman's Path (1925-1927) with New Scripts*], ed. Nevin Yurdsever Ateş (Istanbul: Kadın Eserleri Kütüphanesi ve Bilgi Merkezi Vakfı, 2009), p. 64. Here is the original text written in Turkish translated by me: "Kahvehane peykelerinde müsekkkinâne esrar çeken birine verilen bu hak, kendini müdrik, tahsili mükemmel bir kadından esirgenebilir mi?" (*Turkish Woman's Path* had gotten this name after being published as *Woman's Path* for two issues. This weekly journal which was the media organ of the Union of Turkish Women was published originally in Ottoman script and before the purification of Turkish language. I quoted Muhittin's article in the first issue of the journal in July 1925 through Ateş's book explained above. The author Ateş transliterated most of the issues of the journal into Latin script without transforming the old words into new ones in her book from which I quoted.)

their political rights.<sup>71</sup> This paved the way for the glorification of the early republican regime by slandering the previous – Ottoman – past. In his writing in December 1934, İsmet İnönü explained the success stories of women who were integrated into society by being judges, lawyers, doctors, teachers and many other professions. In the same writing, he pointed out: “We should not forget that all of these advents [of women] are characters of the last twelve years. Women passed to republican structures through a captive and dense dark era.”<sup>72</sup>

Coming back to the topic of new legislations that aimed to modernize Turkish society, republican elites launched many reforms in education, culture, art, and apparel, by replacing traditional structures with modern ones.<sup>73</sup> The Caliphate was abandoned in 1924 and the principle of *secularism* was added to the constitution in 1928. The Directorate of Religious Affairs was established in 1924 and taken under the control of the Turkish state. Moslem theological schools were closed down and all the schools were taken under the control of the Ministry of National Education in 1924. Since language was a basic concern for alienation from the Ottoman and Islamic culture, the early republican regime introduced the alphabet reformation in 1928 and the Latin alphabet was made the official script. In 1932, the language reformation was initiated for the purification of the Turkish language so as to get rid of the words that were originally Arabic and Persian.<sup>74</sup> The azan began to be recited in Turkish in 1932 due to a directive by the Directorate of Religious Affairs. And in 1941, the azan in Arabic was banned with a legislative regulation until 1950. *The Law about*

<sup>71</sup> Ali Rıza Erem, “Atatürk İlinin: Türk Kadınına” [Turkish: “Atatürk’s Country: To Turkish Women”], *Yeni Türk Mecmuası* [Turkish: *Journal of New Turk*], issue. 28 (December 1934): 1791.

<sup>72</sup> İsmet İnönü, “Türk Kadınlarının Siyasa Alanına Girişleri” [Turkish: “Women’s Entering into Political Sphere”], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 4, issue. 23 (January 1935): 321. Here is the original passage in Turkish translated by me: “Unutmamalıyız ki, bütün bu görünmeler, son on iki yılın özlükleridir. Kadınlar, Cümrlük kurumuna koyu karanlık bir tutsak çağından geçtiler.”

<sup>73</sup> See: Bernard Lewis, *The Emergence of Modern Turkey* (London: Oxford University Press, 1961).

<sup>74</sup> See: Geoffrey Lewis, *The Turkish Language Reform: A Catastrophic Success* (Oxford: Oxford University Press, 1999).

*Wearing the Hat*<sup>75</sup> came into effect in 1925 and made wearing the fez illegal. And - one of the most important legislative changes – the Civil Law was adapted from Switzerland in 1926. The right to divorce, to receive an equal share of inheritance, to choose a husband, and a ban on polygamy were introduced by the 1926 Civil Law. “Repudiation of a wife by husband was abolished, with polygamy, and was replaced by civil marriage and divorce, with equal rights for both parties. Henceforward women enjoyed, at least in the eyes of the law, a new freedom and dignity.”<sup>76</sup> The Ottoman times were slandered again; for instance, it was written in one of the articles: “The style of getting married for women was not something different than selling an animal in a bazaar.”<sup>77</sup> In spite of the fact that the 1926 Civil Law brought many modernized rights to Turkish women, it still included some articles that put men in the primary focus and as the leader in familial structures and private lives of couples, which will be explored in the next subchapter.

After granting new modernized rights to women, they were strongly encouraged to continue their education, to work, and to participate in public life, but within the limits of the new regime. They were expected to obey the new dress codes encouraged by the early republican regime by unveiling their headscarves, one of the most important symbols of secularization and modernization according to the republican elites. Some writers claimed that the Ottomans limited this one of women’s basic rights by stating: “The most primordial liberty on the earth is the liberty of strolling around with an unveiled face and forehead. The Ottoman Turks closed all the doors of humanity to women by depriving them of this most primordial liberty.”<sup>78</sup> At the same time, however, while working and cooperating with men,

<sup>75</sup> The original name of the law in Turkish is *Şapka İktisası Hakkında Kanun*.

<sup>76</sup> Lord Kinross, *The Rebirth of a Nation*, (London: Weidenfeld & Nicolson, 1964), p. 424.

<sup>77</sup> Meliha Avni, “Dün ve Bugün Kadın” [Turkish: “Woman in the Past and Today”], *Yeni Türk Mecmuası* [Turkish: *Journal of New Turk*], issue. 11-14 (October 1933): 954. Here is the original passage in Turkish translated by me: “Kadının nikâh olma tarzı bir pazarda bir hayvan satılışından başka bir şey değildi.”

<sup>78</sup> Meliha Avni Sözen, “Kadın ve Vazifesi” [Turkish: “The Woman and Her Duty”], *Yeni Türk Mecmuası* [Turkish: *Journal of New Turk*], issue. 29 (January 1935): 1828. Here is the original passage in Turkish

women were supposed to dress in decent clothes that did not show femininity in the public sphere.<sup>79</sup> Another paradox occurred here within the young republic during the 1920s. Even though the early republican regime wanted Turkish women's emancipation, they drew the boundaries of this emancipation within male dominance and the patriarchal system. They granted rights to women to make them more secularized, modernized, and educated, but only limited in public life. According to Gündüz, owing to the belief that granting of equal rights could bring a real solution to the problems experienced by women, both women and men could not question the patriarchal characteristic of gender roles in Turkish society and the Republic continued to be patriarchal.<sup>80</sup> In their private lives, women still had to accept the traditional patriarchal roles since the conditions and modernization of women continued to be limited by the early republican regime's desires. This also explains the situation regarding the perception of marriage, motherhood, and childcare:

Marriage was to be companionate, rather than contractual and segregated, and children were to be raised 'scientifically' by mothers educated in the latest childrearing and household techniques from the West. Beyond that, state feminism did not concern itself with what happened behind the closed doors of the home.<sup>81</sup>

Concerning these constructions of gender roles and familial hierarchy, Berktaş points out that owing to concerns caused by the transformation of society and disengagement from the previous socio-political conjuncture, new regimes that follow a modernization path reflect all these concerns on gender structures and roles in society and show the image of 'new woman' as a formation that should be taken under control by new regimes, which gives an opportunity to traditional patriarchal structures to continue in new

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translated by me: "Yer[[yüzünde en iptidaî hürriyet açık yüz ve açık alınla dolaşmak hürriyetidir. Osmanl[ı] Türkleri kadını bu en iptidaî hürriyetten uz[a]k bırakarak ona insanlığın bütün kapılarını kapamışlardır."

<sup>79</sup> Zehra F. Arat, *Ibidem*, pp. 62-63.

<sup>80</sup> Zuhâl Yeşilyurt Gündüz, "The Women's Movement in Turkey: From Tanzimat towards European Union Membership," *Perceptions: Journal of International Affairs*, vol. 9 (Autumn 2004): 117, accessed on October 24, 2013, <http://sam.gov.tr/wp-content/uploads/2012/02/ZuhâlYeşilyurtGunduz2.pdf>

<sup>81</sup> White, *Ibidem*, p. 146.

systems by adapting themselves.<sup>82</sup> Due to the fact that traditional patriarchy was replaced by the Western one, division of labor based on sexuality in intrafamilial relations did not change, which resulted in that prevalent social values and women's roles in their private lives were not questioned.<sup>83</sup> All these conditions resulted in that not religion or traditional values but the establishment of a new nation-state and its patriarchal characteristic which still put women in a secondary position in their private lives, specified women's roles and their two-tier duties in Turkish society by both participating in public life and being a modern and ideal republican wife. Saktanber argues that this provided modern state control on the family which had been controlled before by traditional patriarchal values.<sup>84</sup>

The state control on the family explained above helped the early republican regime to differentiate itself from the past and to create a model of the republican Turkish woman. This model of the Turkish woman necessitated to accept that the primary duty for women was motherhood although women became equal with men before the law. Republican Turkish women were not expected, nor really allowed, to follow more independent and different lines than the ones drawn by the early republican regime.<sup>85</sup> In the next subchapter, I will point out some unequal treatments towards women in the new legislations such as civil law, labor law, and criminal law in addition to showing some important examples from the national curriculum and educational policies of the early republican regime that included specific subjects for women on motherhood, family, home economics, and needlecraft. The inequalities towards women in the 1926 Turkish Criminal Law, which was adapted from the

<sup>82</sup> Fatmagül Berktaş, "Doğu ile Batı'nın Birleştiği Yer: Kadın İmgesinin Kurgulanışı" [Turkish: "Juncture of East and West: Construction of Woman Image"], in *Modern Türkiye'de Siyasi Düşünce*, cilt. 3: Modernleşme ve Batıcılık [Turkish: *Political Thought in Modern Turkey*, vol. 3: Modernization and Westernization], ed. Uygur Kocabaşoğlu (İstanbul: İletişim Yayınları, 2007), p. 275, accessed on January 17, 2014, <http://dosya.internetara.com/?id=1109>

<sup>83</sup> Ayşe Saktanber, "Kemalist Kadın Hakları Söylemi" [Turkish: "The Kemalist Discourse of Women's Rights"], in *Modern Türkiye'de Siyasi Düşünce*, cilt. 2: Kemalizm [Turkish: *Political Thought in Modern Turkey*, vol. 2: Kemalism], ed. Ahmet İnsel (İstanbul: İletişim Yayınları, 2009), p. 326, accessed on January 17, 2014, <https://serdargunes.files.wordpress.com/2012/04/modern-turkiyede-siyasi-dusunce-cilt-2-kemalizm.pdf>

<sup>84</sup> Ibid.

<sup>85</sup> Ibid., p. 327.

Italian Penal Code, regarding the ban on abortion which had different punishments for instance when the pregnancy was caused by rape will be explored in detail in the third chapter since I will elaborate my argument of the ban on abortion in the next part of my thesis.

## 2.2 Articles that Had Unequal Treatment of Women and Some Educational Structures of the Early Republican Regime

Although the early republican regime introduced a series of legislative changes that aimed to modernize Turkish society and replace the Islamic legal system, the new legislations still had some articles which had unequal treatment of women in remarriage, intrafamilial relations, and some specific working conditions. In the following paragraphs, I will firstly introduce the articles that had unequal treatment from the 1926 Civil Law and the definition of adultery according to the sexes of citizens in the 1926 Criminal Law, and then I will continue by showing another article from the 1936 Labor Law.<sup>86</sup>

Article 95 of the 1926 Civil Law, under the title of *Capacity and Obstacles to Marriage*,<sup>87</sup> stated that: “The woman who becomes a widow because of her husband’s death or due to divorce or whose marriage was adjudicated as null cannot get remarried unless a period of three hundred days passes after death, divorce or judgment of nullity. By giving birth, the period ends.”<sup>88</sup> Despite laying down this as a condition for women, there was no

<sup>86</sup> These laws except the 1936 Labor Law were originally in Arabic script due to the fact that the Republic of Turkey introduced the official usage of Latin script in 1928. All the articles from the laws used in the whole thesis were accessed via the official website of the Grand National Assembly of Turkey. The 1926 Civil Law and the 1926 Criminal Law were accessed in the same way, but they have been available in transliterated versions to Latin script in the official website stated above.

<sup>87</sup> The original title in Turkish is *Evlenmeye Ehliyet ve Mâniler*.

<sup>88</sup> “Türk Kanunu Medenisi” [Turkish: “Turkish Civil Law”], p. 133, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400743.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400743.pdf)

similar provision for men regarding remarriage. Men could get remarried after their divorce without a legal time restriction. There was also other unequal treatment of women on the subject of intrafamilial relations in the 1926 Civil Law.

Under the title of *General Provisions of Marriage*,<sup>89</sup> article 152 laid down: “The husband is the chief of the union. Choosing the house and providing for his wife and children by appropriate means belong to him.”<sup>90</sup> This was one of the most important examples of the articles which had unequal treatment of women in the 1926 Civil Law. This statement and other inequalities were not criticized in the publications at that time; the justifications for them and praising the early republican regime for bringing back the natural characteristics of Turkish race on the subject of accepting women as equal to men were provided, though.<sup>91</sup> For instance, the Ottoman past was slandered in one of the journals, and the author claimed that Turkish women were suppressed due to Ottoman socio-cultural life and Islamic law.<sup>92</sup> The author of the article, Veldet, stated that: “Today, after 8-9 centuries of interruption, Turkish women have regained their place they lost before owing to the influence of a number of customs and practices that were extrinsic to Turkish race.”<sup>93</sup> Veldet also wrote about article 152 and argued that this article should not be understood as inequality between wife and husband due to the fact that every establishment should have a leader and this task had always and everywhere been given to the man who was naturally

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Here is the original text in Turkish translated by me: “Kocasının vefatı veya boşanma sebeble dul kalan yahud evliliğin butlanına hükmedilen kadın; vefattan, boşanmadan veya butlan hükmünden itibaren üç yüz gün geçmedikçe tekrar evlenemez. Doğurmakla müddet biter.”

<sup>89</sup> The original title in Turkish is *Evlenmenin Umumî Hükümleri*.

<sup>90</sup> “Türk Kanunu Medenisi” [Turkish: “Turkish Civil Law”], p. 141. Here is the original text in Turkish translated by me: “Koca birliğin reisidir. Evin intihabı, karı ve çocukların münasip veçhile iâşesi, ona aittir.”

<sup>91</sup> See: Ali Rıza Erem, *Ibidem*.

<sup>92</sup> Hıfzı Veldet, “Türk Hukukunda Kadının Yeri” [Turkish: “Women’s Situation in Turkish Law”], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 5, issue. 28 (June 1935): 270. In the same article on page 271, the author claimed that this situation was limited to cities and women in the villages were more or less able to continue their Turkish traditions which derived from the old Turkic groups, before the Ottomans. This explanation could be understood as an indication of the rise of political streams of praising villages in Turkey in the 1930s.

<sup>93</sup> *Ibid.*, p. 268. Here is the original text in Turkish translated by me: “Türk kadını ev[v]elce Türk ırkına yabancı olan bir takım adet ve taamüllerin nüfuzu neticesinde kaybetmiş olduğ[u] yerini, 8–9 yüz[j]yıllık bir fasıladan sonra bugün tekrar almış bulunuyor.”

stronger; according to him, it did not mean an imprudent domination of man but was for the wellbeing of family.<sup>94</sup> In this respect, another example is important to point out: Despite accepting the fact that the Civil Law had some inequalities against women, Küçüka indicated that he did not want to criticize the legislation. Küçüka explained that civil laws reflect the socio-cultural conditions of their time.<sup>95</sup> The author also claimed that it might not be right to give same rights and authority in family life to women whose training had been ignored for many years.<sup>96</sup>

Even though the project of women's emancipation introduced by the early republican regime was quite similar to the one specified by the European countries, such as France, Switzerland, or Italy, I would like to give an example of another project of women's emancipation provided by a different country ideologically, politically, and historically, the Union of the Soviet Socialist Republics (hereafter the USSR). Unlike Turkish women, Soviet women did not have to follow their husbands if he had moved somewhere; wives were allowed to choose whether they would go to their husbands' residence or not.<sup>97</sup> In the USSR, starting with the project of women's emancipation, women no longer had to accept the locations their husbands chose for residency. They did not have to follow their husbands' decisions. However, despite granting many rights to women, the new Civil Code of the Republic of Turkey made women obey their husbands' preference of residence and the legal system gave men the right to decide where the whole family would stay.<sup>98</sup> In addition, the USSR was the first country in the world to have legalized abortion on request

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<sup>94</sup> Veldet, Ibidem, p. 274.

<sup>95</sup> Necip Ali Küçüka, *Kadın Hukuku* [Turkish: *The Law of Women*] (Ankara: Hakimiyeti Milliye Matbaası, 1931), p. 166.

<sup>96</sup> Ibid., p. 164.

<sup>97</sup> Pavla Vesela, "The Hardening of Cement: Russian Women and Modernization," *NWSA Journal*, vol. 15, no. 3 (2003): 109, accessed on December 29, 2013, <http://www.jstor.org/stable/4317012>

<sup>98</sup> See: Fatmagül Berktaş, "Kadınların İnsan Haklarının Gelişimi ve Türkiye" [Turkish: Development of Human Rights of Women and Turkey"] (paper [no. 7] presented at the periodical conferences of Sivil Toplum ve Demokrasi Konferans Yazıları [Turkish: Conference Papers of Civil Society and Democracy] at Bilgi University in Istanbul, 2004, accessed on November 19, 2013, [http://stk.bilgi.edu.tr/docs/berktay\\_std\\_7.pdf](http://stk.bilgi.edu.tr/docs/berktay_std_7.pdf)



in 1920. Abortion was outlawed in 1936 in the USSR since birth rates were in decline during the 1930s and there was a reproductive crisis within society.<sup>99</sup>

Returning to the new legal frameworks of early republican Turkey, the same article of the 1926 Civil Law, article 152, also declared the husband as the leader and the one who should be working and provide for other members of the family. In spite of the fact that women were encouraged to work outside the house and had legal rights to do that, they still had to get their husbands' permission in order to be able to work outside. Under the same title, article 159<sup>100</sup> clarified women's working conditions as: "Regardless of the way which was accepted by the wife and the husband in order to manage their goods, wife can engage in a job or art with the explicit or implicit permission of husband."<sup>101</sup> This situation might be analyzed in a way that it created a double burden for working women owing to the fact that they also had to answer for housework and being good mothers in addition to working and participating in public life.

Regarding the responsibility for housework, it is important to point out some other articles from the 1926 Civil Law, such as article 153 which stated that: "The wife gets her husband's family name. Wife is the assistant and advisor of the husband as much as she can in the matter of achieving mutual wellbeing. The woman is in charge of home."<sup>102</sup> This article is important along the lines of inequality towards women since they had to change their family names after getting married. And very importantly, the same article put women in charge of the house, which legally put Turkish women in a secondary position compared

<sup>99</sup> Thomas G. Schrand, "Soviet 'Civic-Minded Women' in the 1930s: Gender, Class and Industrialization in a Socialist Society," *Journal of Women's History*, vol. 11, no. 13 (Autumn 1999): 131, accessed on December 29, 2013, [http://muse.jhu.edu/journals/journal\\_of\\_womens\\_history/v011/11.3schrand.html](http://muse.jhu.edu/journals/journal_of_womens_history/v011/11.3schrand.html)

<sup>100</sup> Article 159 of the 1926 Civil Law also stated that in a situation when the husband avoids giving permission to his wife to let her work, the wife can request this permission from judges as long as she proves that her working is beneficial for the whole family.

<sup>101</sup> "Türk Kanunu Medenisi" [Turkish: "Turkish Civil Law"], p. 142. Here is the original text in Turkish translated by me: "Karı koca mallarını idare için hangi usulü kabul etmiş olursa olsun karı, kocanın sarahaten veya zimnen müsaadesi ile bir iş veya sanat ile iştigal edebilir."

<sup>102</sup> Ibid., p. 141. Here is the original text in Turkish translated by me: "Karı, kocasının aile ismini taşır. Kadın, müşterek saadeti temin hususunda gücü yettiği kadar kocasının muavin ve müşaviridir. Eve, kadın bakar."

to their husbands since the former was primarily expected to deal with housework and could participate in public and working life, which was dependent upon the decision of the husband, as it was pointed out before in article 159.

The last articles I would like to point out from the 1926 Civil Law are articles 154 and 155 which clarified the issue of representation of the family. Article 154 indicated that: “The husband represents the union. Regardless of the way which was accepted by the wife and the husband in order to manage their goods, the husband personally answers for their savings.”<sup>103</sup> Even though this article made the husband the representative of the family, article 155 vested the wife to represent the family under limited conditions. It stated that: “Also the wife is provided with the right to represent the union regarding the matters of the house’s permanent needs. The husband is responsible for the wife’s savings as long as the situation which can be known by third parties does not infringe on her competence.”<sup>104</sup>

Besides the articles that had unequal treatment of women in the 1926 Civil Law, concerning the unequal treatment of different citizens according to their sexes could also be analyzed very clearly through articles 440 and 441, under the title of *Adultery*<sup>105</sup> in the 1926 Turkish Criminal Law, which were related to adultery. While the punishment for the spouse who committed adultery was the same both for the wife and the husband, the definition of adultery was interpreted according to sexes. Article 441 stated that: “The husband who lives with a woman having an illicit affair at the house where he dwells with his wife or in another place which is certainly known by everyone is sentenced from three to thirty

<sup>103</sup> “Türk Kanunu Medenisi” [Turkish: “Turkish Civil Law”], p. 142. Here is the original text in Turkish translated by me: “Birliği, koca temsil eder. Mallarını idare hususunda karı koca hangi usulü kabul etmiş olursa olsun koca, tasarruflarından şahsan mesul olur.”

<sup>104</sup> Ibid. Here is the original text in Turkish translated by me: “Evin daimî ihtiyaçları için koca gib[i] kadın dahi birliği temsil hakkını haizdir. Karının üçüncü şahıslar tarafından malûm olabilecek surette salâhiyetini tecavüz etmeyen tasarruflarından, koca mesuldür.”

<sup>105</sup> The original title in Turkish is *Zina*.

months.”<sup>106</sup> while article 440 did not lay down the same description of adultery for the wife even though the 1926 Turkish Criminal Law gave the same punishment subjected for husbands and wives.<sup>107</sup> The wife who had a sexual intercourse with another guy could be judged for adultery. These legal frameworks are so important to analyze because they give us a better perspective about gender constructions, social norms, and legal discourses towards different sexes in the early republican period of Turkey.

In addition to the articles from the 1926 Civil Law and the 1926 Turkish Criminal Law that had unequal treatment of women in some aspects, I would like to indicate an important article from the 1936 Labor Law even though it might be arguable whether it might be analyzed as an unequal treatment towards female workers or not. Under the title of *Arrangement of Work*,<sup>108</sup> article 50 prevented women of all ages from working in industry by stating that: “It is forbidden to employ boys under eighteen years old, and girls and women of all ages in jobs belonging to industry getting them to work at night.”<sup>109</sup> This meant that women should not be working in industry during the nights except some extraordinary cases caused by socio-economic necessities, explained in the same article. Although at first glance this article seems to have had unequal treatment of women by preventing them from working in industry at night and some second-wave Turkish feminists analyzed it as a restriction towards female workers, it might also be seen as a form of social rights or protection given to some groups.

<sup>106</sup> “Türk Ceza Kanunu” [Turkish: “Turkish Criminal Law”], p. 440, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400765.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400765.pdf)

Here is the original passage in Turkish translated by me: “Karisile birlikte ikamet etmekte olduğu hanede yahut herkesçe bilinecek surette başka yerde karı koca gibi geçinmek için nikâhsız kadın tutmakta olan koca hakkında üç aydan otuz aya kadar hapis cezası hükmolunur.”

<sup>107</sup> Ibid.

<sup>108</sup> The original title in Turkish is *İşin Tanzimi*.

<sup>109</sup> “İş Kanunu” [Turkish: “The Labor Law”], p. 849, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc016/kanuntbmmc016/kanuntbmmc01603008.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc016/kanuntbmmc016/kanuntbmmc01603008.pdf)

Here is the original text in Turkish translated by me: “Sanayi[y]e aid işlerde 18 yaşı doldurmamış erkek çocuklarla her yaştaki kız ve kadınların gece çalıştırılmaları yasaktır.”

All of these above-analyzed examples shown from the new legislations of the early republican period of Turkey could be understood as limits of the early republican regime in regard of Turkish women's emancipation. Arat argues that the early republican regime replaced the previous patriarchal structures with the Western patriarchy in which the female was accepted as a second sex at that time.<sup>110</sup> Arat continues her argument that the Kemalist regime did not aim at providing more progressive social conditions for women in which there was gender equality than the West had at that time.<sup>111</sup> Although men and women became equal in most senses in the early republican regime in the official framework, there were other different implementations towards women – in addition to articles from the legislations analyzed before – in educational policies, such as introducing some lessons only to boys or girls in schools. In the following paragraphs, I will analyze some examples of regulations from schools and institutes so as to show how girls were directed to take gendered lessons in order to be ideal and modern housewives and mothers.

Changing the existing educational structures is vital in regard to transforming societies and disassociating individuals from previously existing social structures. After all the educational institutions had been taken under the control of the Ministry of National Education of the Republic of Turkey in 1924, the national curriculum was provided to schools in Turkey. Co-educational structures were gradually implemented in Turkish society. Although primary schools and universities had a co-educational system after the introduction of the early republican regime's new educational policy, the co-educational system began in the Academic Year of 1927-28 in middle schools and in the Academic Year of 1934-35 in high schools.<sup>112</sup>

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<sup>110</sup> Zehra F. Arat, *Ibidem*, p. 57.

<sup>111</sup> *Ibid.*

<sup>112</sup> Mine Tan, "Atatürkçü Düşünüş ve Karma Eğitim" [Turkish: "Atatürkist Thinking and Co-Education"], *Uluslararası Atatürk Konferansı, Tebliğler* [Turkish: *The International Conference on Atatürk, Papers*], vol. 3,

In addition to the reformation of the national education system, some specific subjects and lessons were taught either only for boys or girls.<sup>113</sup> For instance, after physical education and military instructions had been added into the curriculum of middle schools and high schools, only boys were able to get those lessons, while girls were directed to take other subjects such as needlecraft, home economics, and childcare.<sup>114</sup> These conditions are crucial to analyze due to the fact that they explain the gendered nature and understanding of the new national curriculum of the early republican regime in spite of its modernizing and improving aims. Afterwards, girls were also introduced to military instructions even though the provision for girls was less than for boys.<sup>115</sup> The introduction of military learning for girls was specifically related to the oncoming danger of the Second World War; the Republic of Turkey did not enter the Second World War, though.<sup>116</sup>

Here, it is also important to note the structures of Girls' Institutes.<sup>117</sup> They were very popular in the early republican period, and girls were accepted by Girls' Institutes after a five-year primary education. These institutions that began to be established in 1928 aimed at teaching young girls housework that had to be done in a modernized way, which paved the way for the rationalization of housework in a modern context. In addition to teaching girls general lessons of the national curriculum such as Turkish, history, geography, physics, and others, these institutes also taught girls needlecraft, painting, childcare, home economics, cooking, and ironing.<sup>118</sup> All of these regulations could be contextualized in the limited nature of the project of women's emancipation that accepted female citizens' primary duties

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paper no: 61 (Istanbul: Bosphorus University Publication, 1981), pp. 18-19, referred in Zehra F. Arat, *Ibidem*, p. 68. I have not seen Tan's paper myself.

<sup>113</sup> Öztan, "Türkiye'de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi" [Turkish: "Woman Image of Nationalism during the Nation-Building Process in Turkey"], p. 102.

<sup>114</sup> Zehra F. Arat, *Ibidem*, pp. 70-72.

<sup>115</sup> *Ibid.*, p. 72.

<sup>116</sup> Turkey protected its neutrality during the war, and after the events that showed Allies would win the war, the Republic of Turkey symbolically declared war against Germany and Japan in February 1945. However, it was a symbolic political step.

<sup>117</sup> See: Zehra F. Arat, *Ibidem*.

<sup>118</sup> Öztan, "Türkiye'de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi" [Turkish: "Woman Image of Nationalism during the Nation-Building Process in Turkey"], p. 102.

as being good housewives and modern mothers. From the gendered nature of the new national curriculum which also encouraged women to be well-educated mothers, it could be analyzed that the early republican regime specified the roles of Turkish women and considered motherhood as a symbol of modernization.<sup>119</sup>

The articles from the legislations and the examples from the early republican regime's new national education policy analyzed before were used as instrumentalization of the early republican regime's aims to create an image of modern Turkish woman who was supposed to be a republican mother and an ideal housewife at the same time, which resulted in the transformation of the traditional division of labor in the family into a modern context even though the early republican regime granted many new rights to women and expected them to participate in public and social life. This two-tier model of Turkish women's emancipation created a double burden for them since they had to be firstly good mothers and wives and then they could work outside within the limits specified by the early republican regime. Receiving education without being an ideal mother and capable of doing good housework was not accepted as meaningful in some of the writings of the time.<sup>120</sup> It was not surprising that there were several writings for women regarding domestic life, childcare, to have better home economics, more practical methods of cooking, ironing, and other housework, in the newspaper *Cumhuriyet* from the late 1920s until the second half of the 1940s.

Although the early republican regime's reforms and bringing new modernized rights to women could be accepted as a modernized and a progressive project in its own time, stressing the primary role for women as motherhood and not questioning the roles of women

<sup>119</sup> Saktanber, Ibidem, p. 329.

<sup>120</sup> See: Feliha Sedat Oksal, *Genç Kız Yetişirken* [Turkish: *When Young Girls Grow*] (Istanbul: Marifet Basımevi, 1940), p. 116, referred in Öztan, "Türkiye'de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi" [Turkish: "Woman Image of Nationalism during the Nation-Building Process in Turkey"], p. 103. I have not seen Oksal's book myself.

in their private lives within traditional patriarchal structures which were transformed into a modern context were important elements of the early republican period of Turkey. The ban on abortion and politicization of women's wombs by pro-natalist policies and eugenic discourses should be understood by analyzing all these backgrounds in order to see a broader framework of the socio-political conjuncture of early republican Turkey. In the next chapter of my thesis, after introducing the historical background of the ban on abortion and pro-natalist concerns in the last decades of the Ottoman Empire, I will mainly focus on and elaborate my argument regarding the ban on abortion and its transforming character in the 1930s and the early 40s in the sense of eugenic ideas and concerns in addition to worries to increase the population and the politicization of women's bodies within the context of the project of women's emancipation.

### **CHAPTER 3: THE CONTEXT OF THE BAN ON ABORTION, EUGENIC DISCOURSES, AND THEIR SOCIAL REPRESENTATION IN THE EARLY REPUBLICAN PERIOD**

This chapter aims to analyze the politicization of Turkish women's bodies in the early republican period and the ban on abortion, eugenic discourses, and legal implementations held at the same period within the project of women's emancipation. It is crucial to see the links between the construction of new gender roles and the nation-building process in order to understand and have a better perspective about early republican Turkey in which the new image of Turkish woman necessitated a republican wife, an ideal housewife, and a modern mother, as we have seen in the previous chapter. All of the unequal treatments towards women in the legislations explained before were important backgrounds which helped to use discourses such as woman's primary role being motherhood.

The ban on abortion and the biological control of reproduction and women's wombs were not only in the early republican period due to the fact that there were important steps and legislations concerning abortion and desires to increase the population in the last decades of the Ottoman Empire. Having experienced the transformation of classical sovereign right to biopolitical sovereign right after the 19<sup>th</sup> and 20<sup>th</sup> centuries that was seeking to control of demographic structures and population as a collective entity, as expressed by Foucault,<sup>121</sup> the Ottoman Empire began to form legislations regarding the issue of abortion. In the next subchapter, I will provide a historical background of the concerns about abortion and the context in which abortion was criminalized in the Ottoman Empire; after that, I will focus on the ban on abortion and its mixing with eugenic discourses in the 1930s and the early 40s in the early republican period in a detailed manner by showing

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<sup>121</sup> Foucault, *"Society Must be Defended": Lectures at the College de France*, p. 241.



striking articles from the legislations. In the final section of this chapter, I will show how legal frameworks and political discourses affected the social sphere, medical discourses, reflection of illegal abortions in the newspaper stories, and intellectuals' writings on the subjects of abortion, pro-natalism, and its mixing with eugenic concerns.

### 3.1 History of the Ban on Abortion in the Last Decades of the Ottoman Empire

Regarding the explanation provided by Foucault that sovereignties began to use medical means and public hygiene in order to control populations accepted as a collective group rather than individuals,<sup>122</sup> we can see the same transformation of this biopolitical shift in the Ottoman context during the last decades of its existence. One of the most important factors being discussed related to abortion in the Ottoman Empire - before this transformation from classical sovereign right to the biopolitical one - was when the fetus got a soul. In the Ottoman legal framework which generally followed the religious sect of Hanefi, abortion was possible – but discouraged - up to 120 days after conception if there was a valid necessity<sup>123</sup> since it was believed that the fetus did not obtain a soul until that period.<sup>124</sup> However, it was very arguable and difficult to decide when conception had really started.

Before the transformations experienced in the 19<sup>th</sup> century regarding the control of population as a collective entity, concerns of increasing the population, and taking control of public hygiene, the focal point of the issues related to abortion was the life of the fetus and woman's body in terms of giving harm to it. Having said that the Ottoman legal context

<sup>122</sup> Foucault, *"Society Must be Defended": Lectures at the College de France*, p. 244.

<sup>123</sup> Tuba Demirci & Selçuk Akin Somel, "Women's Bodies, Demography, and Public Health: Abortion Policy and Perspectives in the Ottoman Empire of the Nineteenth Century," *Journal of the History of Sexuality*, vol. 17, no. 3 (2008): 383, accessed on May 20, 2014, <http://dx.doi.org/10.1353/sex.0.0025>

<sup>124</sup> Ertem, *Ibidem*, p. 49.

made a step to protect the population by forming new legal frameworks so as to prevent female subjects from having abortions and to accept the abortion as a crime committed to society rather than to an individual. After all of these analyses, one can say that reproduction began to be taken under biological control of the new state structures of the 19<sup>th</sup> century and women's bodies were politicized and used as a means to legitimate these concerns. This case was not unique to the Ottoman Empire in the 19<sup>th</sup> century due to the fact that there were other examples in Europe such as criminalization of abortion in France with the 1810 Napoleonic Penal Law and pro-natalist policies caused by anxieties about population decline.

Given the fact that the Ottoman Empire was seeking ways to control reproduction biologically and socially and trying to increase its population that declined due to the demographic changes within the country and by the loss of Balkan territories in the 19<sup>th</sup> century, which also drew attention to the percentage of the Muslim population compared to Christians in the empire; as the early republican regime controlled reproduction, the late Ottoman rulers had thought that having a bigger population meant to be powerful militarily and economically. These opinions brought forth the implementations of controlling women's bodies and making them the state's interference areas. The first legal regulations regarding abortion in the Ottoman system can be traced back to the Ottoman Criminal Code in 1858 although there were some explanatory documents and edicts by the Sultans before that time.<sup>125</sup> It could be said that the comprehensive implementations regarding abortion started after 1838.

In 1838, abortion was banned by an ordinance of Sultan Mahmud II. It is important to bear in mind that: "The physicians, pharmacists and drug sellers were also taken under

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<sup>125</sup> Nazlı Özkul, "Osmanlı'da Kürtaj Yasağı" [Turkish: "The Ban on Abortion in the Ottoman Empire"], published on March 7, 2013, accessed on January 16, 2014, <http://yakinturkiyetarihi.weebly.com/1/post/2013/07/osmanlda-krtaj-yasa.html>

the central control in order to prevent illegal use of abortifacient drugs.”<sup>126</sup> Regarding pro-natalist policies and the ban on abortion, midwifery became an important service that was projected by the state in order to control the population at the beginning of the 1840s. A midwifery school was established in 1842 in Istanbul; even though it was seen as a step to modernization and enlightenment of medical methods, the Ottoman state’s aim was to use midwives as a means of surveillance in order to prevent any probable abortion, which resulted in instrumentalizing the new midwives, who got their education through medical courses at school, to control women’s reproductive behaviors by monitoring their bodies.<sup>127</sup>

Correspondingly, abortion was criminalized in the 1858 Criminal Law and women’s wombs were made to be the spheres of the state. Article 192 which banned abortion stated that: “A person who caused a pregnant woman to have a miscarriage by pounding or any other action is sentenced to a temporary rowing, after he or she pays the fine according to the Sharia Law, if the infringement done was on purpose.”<sup>128</sup> In other words, the person who caused a miscarriage unintentionally would not be sentenced to a temporary rowing but had to pay only the fine in Islamic law. Article 193 continued to describe other ways of causing a miscarriage, but it did not make a distinction for punishments of perpetrators who either depended on approval of mothers or did not take her consent.<sup>129</sup> These circumstances all paved the way for the late Ottoman ruling to intervene with people’s private lives and to take control of the population. One of the main focal points of controlling the population

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<sup>126</sup> Ertem, Ibidem, p. 49.

<sup>127</sup> Ibid., p. 50.

<sup>128</sup> Belkıs Konan, “Osmanlı Devleti’nde Çocuk Düşürme Suçu” [Turkish: “Abortion Law in the Ottoman Empire.” The English title belongs to the author.], *Ankara Üniversitesi Hukuk Fakültesi Dergisi* [Turkish: *Journal of Faculty of Law of Ankara University*], vol. 57, no. 4 (2008): 330, accessed on April 30, 2014, <http://dergiler.ankara.edu.tr/dergiler/38/1499/16550.pdf>

Here is the original passage in Turkish translated by me: “Bir kimse darp yahut sair bir guna fiil ile hamile hatunun ıskat-ı cenin eylemesine sebep olursa diyet-i şerriyesi istifa olunduktan sonra eğer bu teaddsi an-kasd olmuş ise muvakkaten küreğe konulur.”

<sup>129</sup> Ibid., p. 331.

was to increase it due to losses of Balkan territories which had a high population density.<sup>130</sup> State officials and the Sultans were much concerned about the proportion of Christian and Muslim populations throughout the empire and wanted to prevent Muslim women from having abortions.

While the 1838 edict largely depended on the argument that the wellbeing of a country depended on its population, there were also religious references to the ban on abortion such as abortion was an act against the God.<sup>131</sup> This condition was also similar for the report that gave religious references and mentioned popular prudence ordered by Abdülhamid II in 1890 in order to prevent abortion in the empire.<sup>132</sup> There was a growing concern for the future of the empire, and it created anxiety about the decrease of the population, especially the Muslim population. As a result of the fears of population decline, a declaration was formed in 1904 to help economically Muslim families so as to reinforce their reproduction.<sup>133</sup>

Drawing parallels with the former times, ideas of marriage and population increase were brought to the scene during the Young Turks Period, which might be also called as the period of the Committee of Union and Progress between 1908 and 1918. They developed the concept of national family which had to be neither total imitation of Western life-styles nor traditional family patterns<sup>134</sup> but a model of getting modernized by following some

<sup>130</sup> Gülhan Balsoy, “Osmanlı’da Nüfus Mühendisliği Projesi ve Kürtajın Yasaklanması Tasarısı” [Turkish: “Population Engineering in the Ottoman and the Draft Bill of Banning Abortion”], published on September 5, 2012, accessed on January 16, 2014, <http://www.toplumsol.org/osmanli-nufus-muhendisligi-projesi-ve-kurtajin-yasaklanmasi-tasarisi-gulhan-bal soy-duvar/>

<sup>131</sup> Ertem, Ibidem, p. 49.

<sup>132</sup> Demirci & Somel, Ibidem, p. 453.

<sup>133</sup> Başbakanlık Osmanlı Arşivi [Turkish: The Ottoman Archives of the Prime Ministry], YPRK.AZJ. 19-46/29 Z 1320, “İslam nüfusunun artması ve ıskat-ı cenine mani olmak için çok çocuklu ailelere yardım yapılması hususu.” [Turkish: “The topic of helping multi-child family in order to increase population of Islam and to prevent abortion.”], quoted in Ertem, Ibidem, p. 51. I have not seen the document, which was quoted in Ertem’s article, myself.

<sup>134</sup> Zafer Toprak, “The Family, Feminism, and the State during the Young Turk Period, 1908-1918,” p. 451, accessed on January 9, 2014,

concepts from European civilization for the sake of modernization in addition to continuing its own cultural elements that would be the basis of the coming Turkish national-state, which was also accepted by Gökalp as the idiosyncratic nature of Turkish evolution.<sup>135</sup> In the light of this information, in the next subchapter, I will make a deeper analysis of the transformation of old patriarchal familial relations into a modern existence, the ban on abortion, and politicization of women's bodies in the early period of the Republic of Turkey by looking through all of these constructions of new identities, demographic concerns, and state's sovereignty on the population as a collective entity.

### **3.2 The Ban on Abortion in the Early Republican Period and Its Changing Context with Eugenic Concerns during the 1930s and Early 40s**

The most important duty of a woman is motherhood. If it is thought that the first place where education is provided is mother's bosom, the importance of this duty could be understood properly. Our nation is determined to be a strong nation. One of today's necessities is providing advance for women in every respect. Consequently, our women will be intellectuals and scientists, too, and will have the same educational degrees that men have. Afterwards, women and men will be assistants and supporters to each other by walking together in social life.<sup>136</sup>

These are the statements by Mustafa Kemal in the first month of 1923. They gave a sign of the approaching republic's new gender roles, and in that context it was not surprising that the early republican regime did not allow women to decide upon their own bodies in the matter of reproduction.

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[http://kemberburgazhist101.files.wordpress.com/2013/11/toprak\\_the\\_family\\_feminism\\_and\\_the\\_state\\_during\\_the\\_young\\_turk\\_period\\_1908\\_1918.pdf](http://kemberburgazhist101.files.wordpress.com/2013/11/toprak_the_family_feminism_and_the_state_during_the_young_turk_period_1908_1918.pdf)

<sup>135</sup> Toprak, *Ibidem*, p. 451.

<sup>136</sup> Atatürk Kültür, Dil ve Tarih Yüksek Kurumu: Atatürk Araştırma Merkezi [Turkish: Supreme Institution of Atatürk Culture, Language, and History: Atatürk Research Center], *Ibidem*, vol. 2, pp. 89-90. Here is the original text in Turkish translated by me: "Kadının en büyük vazifesi analıktır. İlk terbiye verilen yerin ana kucağı ol[du]ğu düşünülürse bu vazifenin ehemmiyeti lâıkiyle anlaşılır. Milletimiz kuvvetli bir millet olmaya azmetmiştir. Bugünün levazımından biri de kadınlarımızın her hususta yükselmelerini temindir. Binaenaleyh kadınlarımız da âlim ve mütefennin olacaklar ve erkeklerin geçtikleri bütün derecatı tahsilden geçeceklerdir. Sonra kadınlar hayatı içtimaiyede erkeklerle beraber yürüyerek birbirinin muin ve müzahiri olacaklardır."

Abortion was criminalized on March 1, 1926 with the new Turkish Criminal Law which was adapted from the Italian Penal Code. Under the title of *Felonies of Having Induced Miscarriages and Conducting Induced Abortions*,<sup>137</sup> article 468 of the 1926 Turkish Criminal Law stated that: “The woman who had an induced miscarriage by using devices and medicine or by consenting to someone to use these is imprisoned from six months to three years.”<sup>138</sup> The early republican regime considered that having a bigger population was one of the most important prerequisites of having a stronger country since a considerable part of the population was lost during the wars of the former decades. In this context, the ban on abortion was strictly linked to the establishment of a new nation-state and the desire to increase the population. It would not be wrong to claim that one of the main reasons why the early republican regime of Turkey did not allow abortion was the concern about the future of the population; it did not change the fact that this ban and pro-natalist concerns led to the idea of seeing women’s bodies and wombs as the state’s interference areas, though.

Pro-natalism was an important political motive for the early republican regime and for intellectuals since the country had a relatively smaller population. The effect of the population increase could be analyzed by looking through the journals and newspapers during the times of census. When the result of the 1935 census was revealed to the public, the journals praised the result and again stressed the importance of having a bigger population for the bright future of the young republic. According to the first census of the Republic of Turkey which was held in 1927, the Republic of Turkey had 13.648.270 inhabitants; and this number increased to 16.188.767 by 1935, as announced in the journals and newspapers of the Republic of Turkey in 1935 after the second census of the Republic

<sup>137</sup> The original title in Turkish is *Kasten Çocuk Düşürmek ve Düşürtmek Cürümleri*.

<sup>138</sup> “Türk Ceza Kanunu” [Turkish: “Turkish Criminal Law”], p. 445. Here is the original passage in Turkish translated by me: “Alet ve ilaç kullanarak veya başkası tarafından kullanılmasına razı olarak çocuk düşüren kadın, altı aydan üç seneye kadar hapsolunur.”

of Turkey had been held.<sup>139</sup> This population increase was perceived as a good sign and relief for the future of the country in one of the articles with the statement:

Percentage of increase in relation to the 1927 census gives us the right to see the future contently and broadly. A nation which will defend and develop our beautiful country by having this number [of population according to the 1935 census] might be one of the essential bases mankind will rely on.<sup>140</sup>

In addition to pro-natalist thoughts and politicization of women's bodies, it is striking to see how the early republican regime perceived women's honor and dignity. In addition to article 468 that banned abortion, article 472 of the same section is also very important to understand the contextualization of previous patriarchal and also traditional structures both in family and society into a modern formation due to the fact that it did not focus on individual woman's body health or psychology but on controlling her body by stating that:

The above-written punishments [in the articles of the section related to abortion] are reduced from one-third down to two thirds and heavy imprisonment is changed to imprisonment for people who had induced miscarriages or conducted abortions in order to save his/her, or his wife's, or his/her mother's, or his/her foster child's, or his/her sister's pudicity.<sup>141</sup>

This article shows well the fact that in spite of granting new rights and opportunities to women concerning their liberation from the previous traditional structures from which the regime was trying to disassociate itself by slandering, the early republican regime continued to use the previous mentality regarding women's honor, pudicity, and dignity. The legislation did not focus on the life of the fetus, which might be seen as a result of the biopolitical transformation in the 19<sup>th</sup> century; but the last article, the 472<sup>th</sup> article of the section related to felonies of abortion and miscarriage, did not emphasize the life of women

<sup>139</sup> "Nüfus Sayımı" [Turkish: "The Census"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 6, issue. 33 (November 1935): 209.

<sup>140</sup> Ibid. Here is the original text in Turkish translated by me: "1927 sayımına göre artma payı, istikbali geniş ve ferah görmek için bize hak kazandırıyor. Güzel ülkemizi bayındıracak ve müdafaa edecek olan bu sayıda bir millet, insanlığın istinad edeceği başlıca temellerden biri olabilir."

<sup>141</sup> "Türk Ceza Kanunu" [Turkish: "Turkish Criminal Law"], p. 445. Here is the original text in Turkish translated by me: "Kendisinin veya karısının veya anasının veya evlâtlığının veya kız kardeşinin namusunu kurtarmak için çocuk düşüren veya düşürtenler hakkında yukarıda yazılı cezalar üçte birden üçte ikiye kadar indirilir ve ağır hapis cezası hapse çevrilir."

and the importance of population as a collective group as well when women's and their families' honor was primarily concerned. If women's and their families' honor was attacked, individuals who had induced miscarriages or conducted illegal abortions would be punished less although they committed a crime. This circumstance shows the patriarchal mentality of and importance given to honor and dignity by the early republican regime.

When the issue comes to saving women's pudicity, I would like to give another example from the 1926 Turkish Criminal Law. Article 423, under the title of *The People Who Rape, Seduce Minors, and Make Assaults to Pudicity*,<sup>142</sup> stated that: "Whoever deflowers a girl who turns fifteen by tricking her to get married is imprisoned from six months to one year. In case of marriage, punishment becomes no longer valid. Insofar if divorce takes place without an acceptable reason, the legal process of common law returns."<sup>143</sup> Given the fact that this article clearly shows the perception of focusing on the honor and dignity of female citizens rather than giving importance to their individualities, women's marriage - even with their deceivers - was accepted as a convenient way to save their honor in society. It was one of the remarkable paradoxes of the early republican regime due to the republican elites' concerns of modernizing women but attempts of continuing the previous patriarchal structures in which women had to be controlled by male members of the family and society and accept social norms that were enforced by the patriarchal familial relations. Even though I accept that the early republican regime brought many modernized rights to women in the legal framework - there were still some limitations even in the legal framework as I have discussed before - these new rights did not change the mentalities of society regarding the perception of women's roles; and the articles shown in my thesis from

<sup>142</sup> The original title in Turkish is *Cebren Irza Geçen, Küçükleri Baştan Çıkaran ve İffete Taarruz Edenler*.

<sup>143</sup> "Türk Ceza Kanunu" [Turkish: "Turkish Criminal Law"], p. 437. Here is the original passage in Turkish translated by me: "Her kim on beş yaşını dolduran bir kızı alacağını diye kandırıp [d]a kızlığını bozarsa altı aydan bir seneye kadar hapsedilir. Evlenme vukuu halinde ceza sakıt olur. Şu kadar ki beş sene zarfında makbul bir sebep olmaksızın boşanma vaki olursa hukuku umumiye davası avdet eder."



the 1926 Civil Law and the 1926 Criminal Law had paved the way for the continuity of inequalities women experienced in their private lives and intrafamilial relations.

Coming back to the population increase and associating its image with being more powerful in terms of economic, military, political, and social contexts, the ban on abortion was also associated with the new image of Turkish woman and the limits of the project of women's emancipation in the sense that the early republican reforms granted many new rights to women such as right to divorce, unveil, share an equal inheritance, work, have an education, and political suffrage in order to make them modernized but not to leave their traditional roles and maternal duties. During the early republican period, motherhood was explained as one of the vital duties of women. "Modernity, as defined by the Turkish state, included marriage and children as a national duty for women."<sup>144</sup> While liberating Turkish women in the public sphere by changing the former Islamic and Ottoman socio-cultural infrastructures within society, the early republican reforms did not provide many opportunities for women to liberate themselves in their private spheres in the face of their fathers or husbands, which could be analyzed well through the articles of new legislations that had unequal treatment of women. They still had to continue their traditional roles by being ideal wives and modern mothers imposed by the early republican regime, but in a more modern and scientific concepts as stated by Mustafa Kemal in 1923:

The upbringing mothers will provide today's children with is not as easy as it was in previous times. Bringing up children who have necessary qualifications and raising them as dynamic members for today's life depend on having high qualifications for today's mothers. Therefore, our women have to be more enlightened, more prosperous, and more well-informed even than men. If they really want to be mothers of the nation, they have to be like this.<sup>145</sup>

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<sup>144</sup> White, Ibidem, p. 146.

<sup>145</sup> Atatürk Kültür, Dil ve Tarih Yüksek Kurumu: Atatürk Araştırma Merkezi [Turkish: Supreme Institution of Atatürk Culture, Language, and History: Atatürk Research Center], Ibidem, vol. 2, p. 156. Here is the original text in Turkish translated by me: "Anaların bugünkü evlâtlarına vereceği terbiye eski devirlerdeki gibi basit değildir. Bu[günün] anaları için evsafı lâzimeyi haiz evlât yetiştirmek, evlâtlarını bugünkü hayat için faal bir uzuv haline koymak, pek çok yüksek evsafın hamili olmağa mütevakkıftır. Binaenaleyh kadınlarımız hattâ

While having a great desire to let women improve their educational and socio-cultural skills, and integration with society, Mustafa Kemal did not forget to remind them that their primary roles should still be motherhood and raising more and healthy generations with the new modernized means, which required more scientific and civilized methods. Arat argues that: “Kemalism intended to equip the Turkish women with education and finer skills, only to improve their contribution to the Republican patriarchy as better wives and mothers.”<sup>146</sup> I believe that it was not the only reason why the early republican regime granted new rights to women although the project of women’s emancipation was also used as a means to continue patriarchy in a modern socio-cultural context.

Owing to high stress on motherhood, through the late 1920s and with the turn of the new decade, women who wanted to have illegal abortions or rejected having more children were described as traitors within the journals acting as state propaganda publications.<sup>147</sup> The same journals encouraged women to go on their sacralized duties of rearing and bearing children, too. These conditions and double burden of the Turkish women, which necessitated both emancipation within and integration with society in the political sphere and the continuity of the traditional roles of being ideal wives and modernized mothers, were increased during the 1930s with the rise of Turkish eugenic concerns. This period not only forced women to have more children but also to raise strong and robust children by using modernized methods and, at the same time, restricting some social groups to get married and to have children in order to protect the health of the race.<sup>148</sup> These groups who

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erkeklerden daha çok münevver, daha çok feyizli, daha fazla bilgili olmağa mecburdurlar. Eğer hakikaten milletin anası olmak istiyorlarsa böyle olmalıdırlar.”

<sup>146</sup> Zehra F. Arat, *Ibidem*, p. 57.

<sup>147</sup> Öztan, “Erken Cumhuriyet Döneminde Sosyo-Politik Bir Proje Olarak Çocuk Bakımı” [Turkish: “Childcare as a Socio-Political Project during the Early Republican Period”], p. 16.

<sup>148</sup> See: Efe Atabay, “Eugenics, Modernity and the Rationalization of Morality in Early Republican Turkey,” (MA Thesis, McGill University, 2009).

were restricted to have children were depicted as a burden for the country and danger for healthy elements of society.<sup>149</sup>

The early republican regime focused more on creating ideological infrastructures of the state in the 1930s in terms of racial policies and leading the path of politicization of women's bodies to additional directions, while the early republic of the 1920s had been dealing with the establishment of a new state system and massive changes in terms of modernization and secularization. In this regard, eugenic ideas started to occur in the Turkish political sphere in the 1930s and the new republican regime intensified propaganda for procreation, scientific childcare,<sup>150</sup> and the importance of a good marriage by healthy individuals in society. Not only the size of the population but also its quality started to be a matter of concern for the republican elites, which resulted in taking place of the eugenic ideas in the socio-political environment of the Republic of Turkey during the 1930s.

Slandering the Ottoman Empire again became an important ideological matter of fact during these years since proving itself as a great and modern nation to the Western world was also one of the political aims of the new republican regime. It was clearly pointed out that the reforms of the early republican period were not the continuation and development of the Ottoman reformations since Ottoman statesmen were considered to have isolated themselves from the gradual developments of the last centuries and the reforms they made were in the limits of their isolated mentality.<sup>151</sup> This also provided a ground to distance society from the Ottoman heritage by claiming that the Ottoman rulers could not understand

<sup>149</sup> Safaeddin Karanakçı, "Nüfusu art[t]ırmak için doğanları yaşatmalıdır" [Turkish: "The born should be kept alive in order to increase the population"], *Cumhuriyet* [Turkish: *Republic*], October 1, 1938, p. 5.

<sup>150</sup> Regarding childcare which aimed to raise robust and healthier Turkish children, here it is important to state Besim Ömer Akalın (1862-1940) who was the founder of modern obstetrics and pediatrics in the Republic of Turkey. Focusing on children's growth, he wrote a popular book, which consists of two volumes, *Türk Çocuğunu Nasıl Yaşatmalı?* [Turkish: *How Should One Make the Turkish Child Live?*]. The book was published in 1938.

<sup>151</sup> "İnkılap Kürsüsünde İsmet Paşa[']nın Dersi" [Turkish: "Lecture of İsmet Pasha at the Reform Rostrum"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 3, issue. 14 (April 1934): 82.

the importance of the population and a huge amount of the population was lost owing to epidemic diseases and long-standing devastating wars caused by the Ottoman ruling elites' ignorance. In addition, Social Darwinist perspectives that were started during the last centuries of the Ottoman Empire increased their intensity in society.<sup>152</sup> Eugenists perceived life as a merciless area of struggle and accepted being both physically and morally fit as a pre-requisite for survival, which would help us to understand their focal points regarding eugenics and their stress on the continual integrity of the race.

The main focal points of the eugenicist concerns in the early republican period of Turkey were: social hygiene, pro-natalist policies, childcare, marriage regulations, and protection of the integrity and health of the race. In this context, the Public Health Law which was legalized in 1930 in the Republic of Turkey is vital to analyze due to the fact that marriage was taken under state control. Under the title of *Common Provisions among the Previous Sections*,<sup>153</sup> article 122 of the 1930 Public Health Law obliged couples to have medical examinations before getting married.<sup>154</sup> For the sake of the advantage of the race, the 1930 Public Health Law brought some implementations that aimed at bringing some restrictions to some people not to get married and have children. For instance, article 123 stated that:

People who are suffering from syphilis, gonorrhea, soft chancre, leprosy, and mental illness are forbidden to get married. Unless a medical report is presented for showing that these diseases are treated in due form, do not have a danger of contagion or are recovered, marriages of sick people are not contracted.<sup>155</sup>

<sup>152</sup> See: Hasan Ünder, "Türkiye'de Sosyal Darwinizm Düşüncesi" [Turkish: "Social Darwinist Thought in Turkey"], in *Modern Türkiye'de Siyasi Düşünce*, cilt. 4: Milliyetçilik [Turkish: *Political Thought in Modern Turkey*, vol. 4: Nationalism], ed. Tanıl Bora (Istanbul: İletişim Yayınları, 2008), accessed on January 17, 2014, <https://disk.yandex.com.tr/public/?hash=xQgysjJ14eIIAiWXGUhG6peFbXFtBz/QZGy5qh5qsKc%3D&locale=tr>

<sup>153</sup> The original title in Turkish is *Geçen Fasıllar Arasında Müşterek Hükümler*.

<sup>154</sup> "Umumî Hıfzıssıhha Kanunu" [Turkish: "The Public Health Law"], p. 216, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc008/kanuntbmmc008/kanuntbmmc00801593.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc008/kanuntbmmc008/kanuntbmmc00801593.pdf)

<sup>155</sup> Ibid. Here is the original text in Turkish translated by me: "Frengi, bel soğukluğu ve yumuşak şankr ve cüzama ve bir marazı akliye müptelâ olanların evlenmesi memnudur. Bu hastalıklar usulü dairesinde tedavi

In addition to regulation of marriages for protecting public health and the next generations of the country, contraceptive methods were also forbidden and there were strict regulations regarding their usage and importation. Under the title of *Protection of the Children and the Youth*,<sup>156</sup> article 152 of the 1930 Public Health Law stated that:

Importation and selling of instruments and supplies which are obstacles to insemination or means to miscarriage and designated by the Ministry of Health and Social Assistance is forbidden. Varieties of these [instruments] used in the science of medicine are imported and sold in pharmacies with the requirement of prescription, within the limits of conditions that will be designated by the Ministry of Health and Social Assistance.<sup>157</sup>

As it could be understood from the articles, the 1930 Public Health Law considered marriage and procreation as public institutions which should be monitored by the state rather than private matters.<sup>158</sup>

The 1930 Public Health Law is also important in terms of pro-natal policies by encouraging giving more birth and controlling propaganda and health publications, which might be analyzed as a restriction to talk about and making propaganda of birth control that was not possible in interwar Turkey. Article 3 - under the title of *State Services of Sanitary Matters and Sanitary Offices*<sup>159</sup> - of the 1930 Public Health Law specified very clearly which missions are directly executed by the Ministry of Health and Social Assistance by stating seventeen important services for public health.<sup>160</sup> The first and second principles of article 3 stated measures which could increase and facilitate birth, could reduce child death,

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edilip sirayet tehlikesi geçtiğine veya şifa bulduğuna dair tabip raporu ibraz olunmadıkça musapların nikâhları aktolunmaz.”

<sup>156</sup> The original title in Turkish is *Çocukluk ve Gençlik Koruması*.

<sup>157</sup> “Umumî Hıfzıssıhha Kanunu” [Turkish: “The Public Health Law”], p. 220. Here is the original text in Turkish translated by me: “İlkahâ mani veya çocuk düşürmeğe vasıta olup Sıhhat ve İçtimâî Muavenet Vekâletince tayin olunacak alât ve levazımın ithal ve satışı memnudur. Bunların tababette müstamel envârı Sıhhat ve İçtimâî Muavenet Vekâletinin tayin edeceği şartlar dairesinde ithal edilir ve eczanelerde reçete ile satılır.”

<sup>158</sup> M. Asım Karaömerlioğlu, “Türkiye’de Kürtajın Kısa Tarihi” [Turkish: “The Short History of Abortion in Turkey”], accessed on January 18, 2014, <http://www.bianet.org/bianet/siyaset/139903-turkiye-de-kurtajin-kisa-tarihi>

<sup>159</sup> The original title in Turkish is *Devlet Hıdematı Sıhhiyesi ve Sıhhi Merciler*.

<sup>160</sup> “Umumî Hıfzıssıhha Kanunu” [Turkish: “The Public Health Law”], pp. 201-202.

and are related to protection of mothers' health before and after giving birth.<sup>161</sup> These are pointed out at the beginning of the article, which could be analyzed as the importance given to reproduction and population by the early republican regime. The seventeenth principle of article 3 also labeled medical publications and propaganda as services done by the Ministry of Health and Social Assistance, which makes it easy to understand that pro-natalism propaganda was encouraged while any birth control propaganda would not exist.

Over and above this, the same law was also strict concerning the health of children for the future of the country and the race. Childcare wanted to be controlled very cautiously and there were restrictions to wet nurses: Article 125 of the 1930 Public Health Law necessitated wet nurses to submit medical reports every six months which showed that they did not have venereal diseases, tuberculosis, and leprosy.<sup>162</sup> The same article banned women who did not have the medical report explained above to work. All these regulations explained the biological control of the population and the biopolitical transformation experienced by the early republican regime in the late 1920s, 30s, and the early 40s.

Like the 1920s, within eugenicist concerns during the 1930s, motherhood was glorified again. On the topic of glorification of motherhood and publicizing this issue, article 156 of the 1930 Public Health Law stated that there would be a budget within the Ministry of Health and Social Assistance every year in order to give monetary award to women who had six or more children after the promulgation of the law.<sup>163</sup> They were allowed to choose monetary awards or receive medals<sup>164</sup> which honored them due to their contribution to the population issue and being ideal mothers. "Women's bodies and social

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<sup>161</sup> Regarding the protection of mothers' health after giving birth, article 153 of the 1930 Public Health Law obliged women who were in puerperal period to stay for a week in official institutions unless their health conditions necessitated staying longer. The same article also stated that help for birth in state institutions was free of charge.

<sup>162</sup> "Umumi Hıfzıssıhha Kanunu" [Turkish: "The Public Health Law"], p. 217.

<sup>163</sup> Ibid., p. 220.

<sup>164</sup> Ibid. The same article also stated that even women who had six or more children at the time of the promulgation of the law would receive medals.

lives wanted to be totally surrounded with the aim of creating ‘ideal mothers.’”<sup>165</sup> As a result of these political and ideological aims, the new republican regime’s trying to increase the population of healthy generations while preventing unhealthy people’s reproduction, according to the regime’s criteria explained above, became a very important element of eugenicist discourses. Giving birth and child rearing became national subjects, in addition to the new republican regime’s encouragement of these topics, and the state journals made propaganda on childcare practices and rational childcare; for instance regulations of babies’ bedtime and nutrition, etc.<sup>166</sup> In order to spread rational and scientific methods of childcare, the new republican regime organized *Sturdy Child Competitions*.<sup>167</sup>

Giving birth for a bright future of the strong nation was idealized and Turkish women were burdened to procreate and raise strong and healthy children.<sup>168</sup> Indeed, “[t]he mission of becoming mothers’ which was fictionalized upon young girls through ‘indebtedness and fidelity’ created a psychological oppression mechanism”<sup>169</sup> since women’s bodies and social lives were reduced to being mothers who could bring up more healthy children. Giving birth for the sake of the nation was seen as women’s national duties and debts towards their country. We can see here again that women’s bodies were used as a means for reproduction and their wombs were politicized in addition to intensifying the restrictions on abortion.

<sup>165</sup> Öztan, “Türkiye’de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi” [Turkish: “Woman Image of Nationalism during the Nation-Building Process in Turkey”], p. 68. Here is the original text translated by me: “Kadın bedeni ve sosyal yaşamı tümüyle ‘ideal bir anne’ yaratmak gayesi ile kuşatılmak istenmiştir.”

<sup>166</sup> Öztan, “Erken Cumhuriyet Döneminde Sosyo-Politik Bir Proje Olarak Çocuk Bakımı” [Turkish: “Childcare as a Socio-Political Project during the Early Republican Period”], p. 19.

<sup>167</sup> Alemdaroğlu, “Eugenics, Modernity and Nationalism,” p. 134. In Turkish, the term is named as *Gülbüz Çocuk Yarışmaları*.

<sup>168</sup> Here, it is crucial to mention the journal *Gülbüz Türk Çocuğu* [Turkish: *Sturdy Turkish Child*] that was published between 1926-1935 and included many articles regarding childcare, bringing up healthy children, recommendations for modern ways to raise sturdy children, and the importance of a bigger population.

<sup>169</sup> Öztan, “Türkiye’de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi” [Turkish: “Woman Image of Nationalism during the Nation-Building Process in Turkey”], p. 68. Here is the original text translated by me: “Genç kızlar üzerinde ‘borçluluk ve vefa’ temaları üzerine kurgulanan ‘anne olma misyonu’ psikolojik bir baskı mekanizması yaratmıştır.”

While abortion continued to be illegal, the early republican regime began to change the discourses of the ban on abortion. With the rise of more authoritarian and nationalist tendencies, the early republican regime changed the title of the section related to abortion to *Felonies against the Integrity and Health of the Race*<sup>170</sup> in 1936, with a new legislation that changed some of the articles of the 1926 Turkish Criminal Law. This shift to protect the race was not unique to the Republic of Turkey at that time, for instance it was discernable in Italy and France, too. The ban on abortion started to be understood within this racial context due to the fact that punishments given to illegal abortion were increased and the discourse began to change. Article 468 of the new law stated that:

Anybody who conducts an abortion to a woman without getting her consent is imprisoned from seven to twelve years. Anybody who conducts an abortion with the consent of the woman is imprisoned from two to five years. The same penalty is imposed on the woman who consented to the abortion.<sup>171</sup>

Article 469 also brought punishments to women who had induced miscarriages by indicating: “The woman who has an induced miscarriage is imprisoned from one to four years.”<sup>172</sup> The same article also depicts the punishment which is given to individuals who provide contraceptive tools to pregnant women. In addition, article 471 implicitly abolished any propaganda about birth control by indicating that:

Anybody who incites committing actions and performances that hinder reproduction or makes propaganda for the conduct of these actions and performances [that are against reproduction] is imprisoned up to one year or is penalized by a heavy fine up to one thousand lira. If the activity was

<sup>170</sup> The original title in Turkish is *Irkın Tümlüğü ve Sağlığı Aleyhine Cürümler*.

<sup>171</sup> “Türk ceza kanununun bazı maddelerini değiştiren kanun” [Turkish: “The legislation that changed some articles of Turkish Criminal Law”] p. 996, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc016/kanuntbmmc016/kanuntbmmc01603038.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc016/kanuntbmmc016/kanuntbmmc01603038.pdf)

Here is the original text in Turkish translated by me: “Bir kadının rızası olmaksızın çocuğunu düşürten kimseye yedi seneden on iki seneye kadar hapis cezası verilir. Rızasile bir kadının çocuğunu düşürten kimseye iki seneden beş seneye kadar hapis cezası verilir. Çocuğu düşürmeğe rıza gösteren kadına da ayn[ı] ceza verilir.”

<sup>172</sup> Ibid., p. 997. Here is the original text in Turkish translated by me: “İsteyerek çocuğunu düşüren kadına bir seneden dört seneye kadar hapis cezası verilir.”



committed with the aim of earnings, both of the punishments are imposed together.<sup>173</sup>

Regarding the ban on abortion in the new legislation, it is also remarkable to show article 472 which brought women's honor and dignity to the scenes by glorifying the patriarchal order, as it was an important case in the 1926 Turkish Criminal Law. It stated that: "If actions written in this section except the ones in article 471 are committed in order to save his/her or his/her relatives' honor and pudicity, punishment which will be given is reduced from half down to two thirds."<sup>174</sup> Even though the punishments given to induced miscarriages and abortions were increased, the punishment was considerably reduced if induced miscarriages and conducted abortions had been committed by concerning women's or others' honor and pudicity in the eyes of society.

During the changes of the previous articles and stricter punishments regarding abortion, there was no opposition to these legal frameworks in the parliament according to parliamentary speeches held on June 11, 1936. There was a question by Hasan Vasıf Somyürek, who was a member of parliament and a doctor, about the legal status of abortion caused by medical necessities during the discussions regarding the change of article 468. He asked if abortion would be accepted as a crime or patients would be left to die when they needed this because of a medical necessity.<sup>175</sup> As a response, Fuad Sirmen, who was a member of parliament, explained that when they changed the articles, they only increased the level of punishments for induced miscarriages and abortions. He said that it was not necessary to put a statement regarding abortion caused by medical necessities due to the fact

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<sup>173</sup> "Türk ceza kanununun bazı maddelerini değiştiren kanun" [Turkish: "The legislation that changed some articles of Turkish Criminal Law"] p. 997. Here is the original text in Turkish translated by me: "Çocuk yapmağa mani fiil ve hareketlerin işlenmesini teşvik eden veya bu fiil ve hareketlerin işlenmesi için propaganda yapan kimse bir seneye kadar hapis veya bin liraya kadar ağır para cezasile cezalandırılır. Eğer fiil kazanç temini gayesile işlenmiş ise her iki ceza birlikte hükmolunur."

<sup>174</sup> Ibid. Here is the original passage in Turkish translated by me: "471[.][] madde dışında bu fasılda yazılı olan fiiller ke[n]disinin veya akrabasının şeref ve namusunu kurtarmak için işlenmiş ise verilecek ceza yarından üçte ikiye kadar indirilir."

<sup>175</sup> "T.B.M.M. Zabıt Ceridesi" [Turkish: "Turkish Grand National Assembly Official Report"], the 78<sup>th</sup> Meeting, June 11, 1936, pp. 224-225, accessed on April 23, 2014, <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d05/c012/tbmm05012078.pdf>

that punishment was related to induced miscarriages and abortions and it would not be punishable if it was done because of a medical requirement.<sup>176</sup> There was another question by Ziya Nuri Birgi, who was a member of parliament and a doctor, regarding article 469 as:

The woman can have a miscarriage because of her physique even if she does not have an intention for that. Any of her neighbors who has hatred against her and hears about miscarriage could report the issue as if she had an induced miscarriage. For that reason, is not it consistent if we put (by means of using tools to have a miscarriage) at the beginning of the sentence? Or does the writing of the article include problems I set forth?<sup>177</sup>

As a response to these questions, Fuad Sirmen explained that there were also cases women had induced miscarriages without using tools but, for instance by jumping from a high place which could also cause a miscarriage. He stated that if they had included the statement offered by Birgi, then induced miscarriages done without using instruments could not have been punishable. Sirmen indicated that when they used the term *having an induced miscarriage*, they would include all induced miscarriages done either by using tools or in any other ways. He explained that women who might have miscarriages due to their physique would not be punished.<sup>178</sup> And the legal changes were accepted without any opposition, for example concerning women's decisions within pro-natalist discourses.

Concerning eugenics and its legal framework in the early republican period, it might be said that the Republic of Turkey both used positive eugenic methods by encouraging healthy groups to reproduce more and negative eugenic ways by bringing restrictions to some social groups to reproduce as it was analyzed through the 1930 Public Health Law.<sup>179</sup> However, all of these implementations did not aim at preventing specific ethnic or religious

<sup>176</sup> "T.B.M.M. Zabıt Ceridesi" [Turkish: "Turkish Grand National Assembly Official Report"], the 78<sup>th</sup> Meeting, June 11, 1936, p. 225.

<sup>177</sup> Ibid. Here is the original conversation in Turkish translated by me: "Kadın arzu etmediği halde bünye dolayısıyla çocuğunu kaybedebilir. Bunu duyan ve kendisiyle aralarında münaferet olan her[hangi bir komşusu kasten düşürdü diye ihbar edebilir. Onun için acaba bu cümlelerin başına (Çocuk düşürecek vasıtaları kullanmak suretile) dersek muvafık olmaz mı? Yoksa maddenin yazılış şekli benim izah ettiğim bu mahzurları da içerisine alıyor [mu?]"

<sup>178</sup> Ibid.

<sup>179</sup> Ayça Alemdaroğlu, "Politics of the Body and Eugenic Discourse in Early Republican Turkey," *Body & Society*, vol. 11, issue. 3 (2005): 70, accessed on March 26, 2014, <http://dx.doi.org/10.1177/1357034X05056191>

groups in the legal framework, not known in practice though, from getting married and giving birth like it happened in Nazi Germany. In spite of the fact that most of Turkish eugenicists got affected by the implementations happening in Germany, there were still important differences in the legal framework of early republican Turkey such as not implementing sterilization for some ethnic or religious groups. Turkish eugenicists and eugenic legal discourses focused more on being healthy and strong for the integrity of the race and giving birth to sturdy generations.

Regarding the integrity and health of the race, the new republican regime emphasized more the importance of being both physically and morally fit in terms of Social Darwinist perspectives, which paved the way to these opinions' legal enforcements. The Body Discipline Law went in effect in 1938 and article 4, under the title of *General Provisions*,<sup>180</sup> indicated that:

It is obligatory for young people to enroll in clubs and to continue body discipline in their spare times. Which age ranges would be supposed to do this, how many hours and in which seasons they would be under obligation, and in which offices and institutions body exercises would be necessary to implement are designated by the Cabinet Council.<sup>181</sup>

Women were expected to do physical training in their spare time since they were supposed to take more care of their bodies and be stronger in order to be able to give birth to more and healthier children, which were seen as two of the most important requirements for the development of the young republic. Even before the implementation of the 1938 Body Discipline Law, some authors were writing about the importance of physical training and health for the future of the country because of the necessity of a bigger and healthier

<sup>180</sup> The original title in Turkish is *Umumî Hükümler*.

<sup>181</sup> "Beden Terbiyesi Kanunu" [Turkish: "The Body Discipline Law"], p. 1160, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc018/kanuntbmmc018/kanuntbmmc01803530.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc018/kanuntbmmc018/kanuntbmmc01803530.pdf)

Here is the original text in Turkish translated by me: "Gençler için kulüplere girmek ve boş zamanlarında beden terbiyesine devam etmek mecburidir. Hangi yaştaki vatandaşların ne kadar müddetle ve hangi mevsimlerde spor mükellefiyeti altında bulunacakları ve ne gibi devair ve müesseselerde beden hareketlerinin tatbiki lâzım[] geleceği İcra Vekilleri Heyetince tayin olunur."

population. Unhealthy people were seen as a burden and a problem both for public health and the economic well-being of the country.<sup>182</sup> Physical training was seen as a vital point for being stronger and fit both physically and mentally:

As I said not long ago, population issue which means the future of homeland is not one of the things that can be resolved either through one-hour training in schools or through narrow-minded and greedy mentality of club sports. We have to focus its basis and institutionalize accordingly and find ways to propagate this to community, as it is done by everybody in all parts of the world. We should accept sport as an organization of occupation and morality which brings the youth together around the national ideal that is essential for youthful life and morality, and prepares the youth for future's duty of strength; and we should propagate it [sport] to the public with this appearance.<sup>183</sup>

In the same year, in 1938, the republican regime introduced new legal changes regarding marriageable age so as to influence procreation and family structures in Turkish society. Marriageable age was made seventeen for male and fifteen for female citizens in 1938.<sup>184</sup> In spite of the fact that there were attempts to legalize celibacy tax in the early republican period in a few times, starting from 1929, it was not legalized. There were big discussions in the parliament and in the media about this issue.<sup>185</sup> Public opinion and the intellectuals generally expressed that keeping new born infants alive was more important.<sup>186</sup> Especially keeping healthy elements of society alive became an important matter of concern

<sup>182</sup> Remzi Gönenç, "Sağlık Bahtiyarlıktır" [Turkish: "Health is a Good Fortune"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 7, issue. 37 (March 1936): 48-51.

<sup>183</sup> Vildan Aşır, "Yeni Nesil İçin" [Turkish: "For the New Generation"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 5, issue. 28 (June 1935): 298. Here is the original passage in Turkish translated by me: "Yurdun yarını demek olan nesil meselesi[] biraz ev[v]el söyle[d]iğim gibi ne mekteplerimizin bir saatlik dersleri ile ne de kulüp sporunun dar görüşlü haris zihniyeti ile halledilecek şeylerden değildir. Biz de dünyanın her tarafında olduğu gibi, herkes gibi bu işi ta temelinden tutup ona göre kurumlandırmalıyız ve halka yaymanın yollarını aramalıyız. Sporu[,] gençleri – gençlik hayat ve ahlâkı için şart olan ulusal ülkü etrafında toplayan, onları yarının güç ödevlerine hazırlayan bir iş ve ahlâk müessesesi diye kabul edip onu halka o görünüşü ile yaymalıyız."

<sup>184</sup> Yaşar Semiz, "1923-1950 Döneminde Türkiye'de Nüfusu Arttırma Gayretleri ve Mecburi Evlendirme Kanunu (Bekârlık Vergisi)" [Turkish: "Turkey's Population Growth Policy during the 1923-1950 Period and the Issue of Compulsory Marriage Law (Bachelor Tax)."] The English title belongs to the author., *Türkiyat Araştırmaları Dergisi* [Turkish: *Journal of Turkic Studies Research*], issue. 27 (Spring 2010): 451, accessed on May 18, 2014, <http://www.turkiyat.selcuk.edu.tr/pdfdergi/s27/18semiz.pdf>

<sup>185</sup> See: Ibid.

<sup>186</sup> Sevilay Özer, "Cumhuriyet'in İlk Yıllarında Bekârlık Vergisi'ne İlişkin Tartışmalar" [Turkish: "Arguments on the Tax of Celibacy in the First Years of the Republic."] The English title belongs to the author., *Akademik Bakış* [Turkish: *Academic Perspective*], vol. 6, issue. 12 (Summer 2013): 186, accessed on May 18, 2014, <http://ataum.gazi.edu.tr/posts/view/title/cumhuriyet%E2%80%99in-ilk-yillarinda-bekarlik-vergisi%E2%80%99ne-iliskin-tartismalar-70815>

in the 1930s by indicating that the aim of contemporary puericulture was not only to keep up children who were burden for society and bound to weak but to provide for children who would bring healthy and robust individuals to society.<sup>187</sup> In addition, healthy reproduction and protection of motherhood were explained as necessities of acting of showing the true path.<sup>188</sup> Families wanted to be controlled strictly, and procreative nature of Turkish women and race became important matters of fact.<sup>189</sup> The young republic's population increased to 17.820.950<sup>190</sup> according to the 1940 census even though the population growth started to decrease considerably until 1945 since many men were obliged to be enrolled owing to danger of Second World War.

Due to the fact that there was a convergence between the political and medical discourse in the early republican period, it is vital to analyze how the topics of the ban on abortion and pro-natalism were reflected in the journals, newspaper stories, and books, after analyzing the legal framework. Owing to the idiosyncratic nature of the socio-political conjuncture of the early republican period, there was hardly autonomy of medicine, of science, or of academia. This condition could be analyzed that lack of opposition by medical cadres to the ban on abortion was also part of the process of strong pro-natalism in addition to the fact that many doctors and intellectuals supported political discourses by creating medical and social arguments that stigmatized and condemned abortion but encouraged and made propaganda of pro-natalism. In order to understand better the socio-cultural environment of the early republican period, in the next subchapter, I will analyze how

<sup>187</sup> Naci Sait, "Çocuk Ölümü" [Turkish: "Child Death"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 3, issue. 14 (April 1934): 130.

<sup>188</sup> Ibid., p. 133.

<sup>189</sup> See: Ahmet İhsan Tokgöz & K. Köyden, "Dr. Besim Ömer Akalın ve Nüfus İşimiz" [Turkish: "Dr. Besim Ömer Akalın and Our Matter of Population"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 7, issue. 39 (May 1936). The preface of the book *Türk Çocuğu Yaşamalıdır* [Turkish: *The Turkish Child Should Live*], written by Besim Ömer Akalın and published in 1936, was also included in this article. The sentence was referred from the preface included in the article, and I have not seen Akalın's book myself.

<sup>190</sup> <http://www.tuik.gov.tr/UstMenu.do?metod=temelist>, accessed on May 28, 2014.

abortion, bringing up sturdy children in eugenic discourses, and pro-natalism were reflected in the journals and books, in addition to showing how abortion and women who had illegal abortions were handled in the newspaper stories.

### 3.3 Social Representation Analysis of Abortion, Pro-natalism, and Eugenic Discourses

Owing to the fact that a specific socio-cultural period could be analyzed through publications of that time and newspaper stories, I will analyze some remarkable examples from the late 1920s, 30s, and the first half of the 40s in the Republic of Turkey in order to show how women's bodies were politicized in the socio-cultural conjuncture of the early republican period of Turkey, with regard to slander of women who wanted to have illegal abortions, construction of gender roles and the new image of Turkish woman, and eugenic discourses in which women's wombs were politicized and motherhood was glorified with pro-natalist concerns. After showing how the above topics were reflected in the press, I will indicate how illegal abortion cases were described in the newspaper *Cumhuriyet* in the 1930s and the first half of the 1940s by explaining the newspaper's approach to this issue.

The first striking example I would like to show is from an article published in 1926, after the ban on abortion, slandering abortion:

Degenerated elements of humankind which undermine our generation, who will procreate, in return for a disgusting benefit and commit homicides by murdering miserable mothers who struggle for the right to life, sure enough cannot have impunity.<sup>191</sup>

<sup>191</sup> “Çocuk Düşüren Veya Düşürtenlerin Cezası[,] Bunlar Hakkındaki Takibât-ı Kanuniye” [Turkish: “Punishment of People Who Had Induced Miscarriages or Conduct Abortions, Legal Prosecution about These”], in *Yeni Harflerle Kadın Yolu/Türk Kadın Yolu (1925-1927)* [Turkish: *Woman's Path/Turkish Woman's Path (1925-1927) with New Scripts*], ed. Nevin Yurdsever Ateş (Istanbul: Kadın Eserleri Kütüphanesi ve Bilgi Merkezi Vakfı, 2009), p. 309. Here is the original passage, from the article published on September 15, 1926, in Turkish and translated by me: “Üreyecek neslimizi iğrenç bir menfaat muk[a]bilinde baltalayan, yaşamak hakkıyla çırpınan bedbaht anneleri mezara sürükleyerek cinayetler irtikâb eden; beşeriyetin bu münfesiîh uzuvları elbette cezasız kalamaz.”

The article showed anger towards women who were trying to have induced miscarriages or illegal abortions and a strong reaction against women who claimed that they could not have children since they did not have enough material means to raise them. The article claimed that none of children died of starvation and such a case had never been heard before.<sup>192</sup> The same article also scandalized women who had induced miscarriages:

A woman with a strong character does not have an induced miscarriage. Women who have induced miscarriages do not internalize the virtue of womanhood, do not rely on their human souls and are addicted. They are neither afraid of God nor worry about the country. It is not suitable for them to live in society. They are either buried in the ground or get perished in prison.<sup>193</sup>

Regarding the emphasis on women's primary roles as mothers and modern and scientific childcare in order to help the country's population problem, some of Muhittin's writings are also remarkable:

Woman in the past remained inactive in her shell. Today's woman has a desire to move away totally from her environment and to change her styles. Are we, Turkish women, able to live unbothered and do what we like to do by turning our children over to wet nurses in villages? If we behave like that, would not we ignore the vital role that is incumbent on us regarding our country's population policy?<sup>194</sup>

With the rising of more racial discourses and mixing pro-natalism with eugenic concerns, women were supposed to give birth to more and sturdier children for the future of the

<sup>192</sup> “Çocuk Düşüren Veya Düşürtenlerin Cezası[,] Bunlar Hakkındaki Takibât-ı Kanuniye” [Turkish: “Punishment of People Who Had Induced Miscarriages or Conduct Abortions, Legal Prosecution about These”], in *Yeni Harflerle Kadın Yolu/Türk Kadın Yolu (1925-1927)* [Turkish: *Woman's Path/Turkish Woman's Path (1925-1927) with New Scripts*], p. 309.

<sup>193</sup> Ibid., p. 310. Here is the original text in Turkish translated by me: “Seciyeli bir kadın çocuğunu düşürmez. Çocuk düşürenler kadınlığın faziletini benimsemeyen, nefsine itimadı olmayan düşkün kadınlardır. Bunlarda ne Allah korkusu, ne memleket kaygusu vardır. Bunlara cemiyet arasında yaşamak yakışmaz. Bunlar ya toprağa gömülür veya zindanda çürütülür.”

<sup>194</sup> Ayşegül Baykan & Belma Ötüş-Baskett, ed. *Nezihe Muhittin ve Türk Kadını 1931* [Turkish: *Nezihe Muhittin and Turkish Woman 1931*] (Istanbul: İletişim Yayınları, 2009), p. 73. Muhittin wrote her book *Turkish Woman* [Turkish: *Türk Kadını*], which was published in 1931. Baykan and Baskett edited Muhittin's book and changed the old Turkish words into current Turkish words in the book indicated above. Here is the original text in Turkish translated by me: “Eski kadın kabuğuna yapışık bir uyku hayatı yaşıyordu. Yeni kadın bucağından büsbütün uzaklaşmak, kelebekleşmek hevesini gösteriyor. Biz Türk kadınları, çocuklarımızı köylerde sütanelere teslim edip kendi havamızda kayıtsız yaşamak kabiliyetinde miyiz? Böyle hareket edersek memleketimizin nüfus politikasında bize düşen önemli rolü ihmal etmiş olmaz mıyız?”

Turkish world, as it was analyzed in previous subchapter. In some of the articles, eugenics was depicted as one of the most important issues of the young republic as:

One of the most significant matters of our motherland, and undoubtedly the most significant one, is matter of race. Knowing the capability, potential, and strength of Turkish race, and finding a way and remedying to make our race steadier and more active is a duty for us.<sup>195</sup>

In this context, citizens who had some physical or mental diseases were described as a big burden for the future of society and the strength of the race. One of the most important eugenicists, Fahrettin Kerim Gökay (1900-1987), who was a psychiatry professor at Istanbul University and also involved in politics supported the idea that protecting high racial characteristics from degeneration and creating a physically and mentally bigger and healthier nation is one of the most important ideals of the reformation of the country.<sup>196</sup> He saw individuals as the most profitable assets of the state<sup>197</sup> and claimed that individuals could not be left by themselves due to the fact that mentally sick people created materially and spiritually a big burden for the healthy elements of society. Gökay believed that hereditary disorders could not be cured but be avoided by taking reproduction under control. His idea was similar to the Mendelian understanding of eugenics.<sup>198</sup> For Gökay, hereditary mental illnesses, alcoholism, syphilis, and racial intermingling were dangerous, and race should be protected from these negative factors.<sup>199</sup> Gökay was strongly opposed to mixed marriages since he believed that these would create mentally sick people who would be dangerous for the integrity and health of the race:

When two different races combine, it is important to think that two kinds of personalities take place in a heart and consequently the division of soul

<sup>195</sup> Osman Şerafeddin, “Bir Irkın Islahı” [Turkish: “Improvement of a Race”], *Yeni Türk Mecmuası* [Turkish: *Journal of New Turk*], issue. 23-24 (June-July 1934): 1557. Here is the original passage in Turkish translated by me: “Memleketimizde düşünülecek en mühim meselelerden biri ve hiç şüphe yok ki en mühimmi ırk meselesidir. Türk ırkının kabiliyetini, iktidarını, kuvvetini bilmek, ve ırkımızı daha sağlam, daha faal bir hale sokmak çarelerini aramak ve bulmak bizim için bir vazifedir.”

<sup>196</sup> Fahrettin Kerim, “Milli Nüfus Siyasetinde (Eugenique) Meselesinin Mahiyeti” [Turkish: “The Essence of Eugenics in National Population Policy”], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 3, issue. 15 (May 1934): 206.

<sup>197</sup> Ibid.

<sup>198</sup> Alemdaroğlu, “Eugenics, Modernity and Nationalism,” p. 127.

<sup>199</sup> See: Kerim, Ibidem.



occurs. Once again, it is necessary to take into consideration shortcomings which are caused by inimical influences of hereditary skills, such as character and moral weaknesses, distrustfulness, infidelity, and incapability.<sup>200</sup>

Gökay thought that marriages should not be conducted either for love or material interests as marriages based on realities were the basis of the health and protection of the race.<sup>201</sup>

Women are especially significant in terms of the hygiene of the race. Inherited skills for women are being housewives and mothers. Because of this, women should not deal with public life as much as possible. They should occupy themselves with the household and their children's upbringing. Since struggle for life is more tiring for women, it ruins their common skills. That's why it is congruent that working women do not reproduce. Due to the fact that preventing men who will raise generations from having offspring by marrying them without procreation is not correct, it is recommended for women who will join work force to be single. In countries where a big population is needed like ours, female workers should get married, too, but their comfort should be provided during their pregnancy and their children should be looked after in state homes.<sup>202</sup>

Giving so much importance to procreation, motherhood and anger towards women who wanted to have illegal abortions could be analyzed through many publications in interwar Turkey. The quotation shown below is one of the most striking examples of the 1930s socio-political environment of early republican Turkey regarding motherhood and procreation:

The life of the mother is venerable. A child might be given up in order to save the mother. However, having an abortion without any reason and killing a child whose essence is life means undoubtedly and foremost committing a crime against society. For nations like us who need to reproduce in the short run, this kind of action [stated above] is an open treason to the Turkish world!<sup>203</sup>

<sup>200</sup> Kerim, Ibidem, p. 210. Here is the original text in Turkish translated by me: "Yabancı iki ırk birleştiği zaman bir göğüste iki nevi şahsiyetin yer bulduğunu binaenaleyh ruhî tecezziyi (Schizothimè) düşünmek lâzım[gelir]. Yine tesalüp vasıtasıyla irsî vasıfların bir[ ]birine gayri müsait tesiri yüzünden tehaddüs eden karakter, ahlâk zaifliğini, itimatsızlık, sadakatsızlık, kudretsizlik gibi noksanları nazarı dikkate almak icabeder."

<sup>201</sup> Ibid., p. 212.

<sup>202</sup> Ibid., p. 211. Here is the original text in Turkish translated by me: "İrk hıfzıssıhhası noktai nazarından kadınlar bilhassa mühimdir. Kadınlarda irsî sanat ev hanımlığı ve valideliktir. Bundan dolayı mümkün olduğu kadar kadın umumî hayata atılmamalıdır. Ev işiyle ve çocuğunun terbiyesiyle meşgul olm[a]lıdır. Hayat mücadelesi kadınları daha fazla yorduğu için umumî evsafı bozuluyor. Bundan dolayı iş kadınlarının çocuk yapmamları muvafıktır. Çocuk yapm[a]yacak olduktan sonra evlenip [d]e nesil yetiştirecek bir erkeğin zürriyetine mani olmak da doğru olmadığından iş hayatına atılan kadınların bekâr kalmaları tavsiye edilmektedir. Bizim gibi çok nüfusa ihtiyacı olan memleketlerde işçi kadınlar da evlenmeli, yalnız gebelik zamanlarında rahatlarını temin ve çocukları da yurtlarda bakılmalıdır."

<sup>203</sup> Necip Ali Küçüka, "Çocuk Düşürme" [Turkish: "Miscarriage"], *Ülkü: Halkevleri Dergisi* [Turkish: *Ideal: Journal of Community Houses*], vol. 7, issue. 37 (March 1936): 26. Here is the original text in Turkish

Instrumentalization of the new image of Turkish woman who was supposed to be a prolific mother and a good wife for her husband, at the same time, was used for political aims. This also helped to construct new gender roles and national identity in the young republic as it might be shown by some articles such as:

You were born, grew up and became a young girl. [...] What are you going to do now? How will you pay your debt to your country? God created you as a woman. Now then, you have female duties under the sun. Think and want! Desire to be an honorable wife for an honorable guy, desire to give birth, desire to be a mother! Desire, desire to be a mother who has many children, desire to pride yourself on robust, good children! Do not be one of the degenerated women who disgust children and raising children! Never forget that Turkish mothers are the most prolific women in the world. And you too, become a prolific and good mother!<sup>204</sup>

The perception of motherhood and slander of abortion can be also analyzed through the newspaper *Cumhuriyet*, especially in the 1930s and the first half of the 1940s. Even though there were few newspaper stories in 1930 regarding illegal abortions giving brief information about women who died while having these operations, there were relatively more of them in the first half of the 1940s in the newspaper reporting legal cases against doctors who committed illegal abortions and caused some women to die. Some of the newspaper stories were just the continuation of the same event but informing the public about the court cases of illegal abortion. Newspaper stories were generally concise passages explaining the event and the results, except for few important legal cases. One of the most striking elements regarding the newspaper stories I was able to examine is that they showed only illegal abortion cases that happened in Istanbul by indicating in which neighborhoods

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translated by me: “Ananın hayatı muhteremdir. Onu icabında kurtarmak için çocuk feda edilebilir. Fakat hiçbir sebep yokken çocuğu aldırma mahsulü hayat olan çocuğu öldürmekle her[.]halde her şeyden önce sosyete karşı bir suç işlenmiş olur. Bizim gibi az zaman içinde çoğalmağa muhtaç olan millet ve memleketler için bu tarzda hareket ise Türk dünyasına karşı açık bir ihanettir!”

<sup>204</sup> İsmail Hakkı Baltacıoğlu, *Genç Kız* [Turkish: *Young Girl*], (Istanbul: Sebat Basımevi, 1943), p. 14, quoted in Öztan, “Türkiye’de Uluslaşma Sürecinde Milliyetçiliğin Kadın İmgesi” [Turkish: “Woman Image of Nationalism during the Nation-Building Process in Turkey”], p. 66. Here is the original text in Turkish translated by me: “Doğdun, büyüdün, genç kız oldun. [...] Şimdi ne yapacaksın? Yurduna karşı olan borçlarını nasıl ödeyeceksin? Allah seni kadın olarak yarattı. Öyle ise bu yeryüzünde senin de kadınlık görevlerin var. [D]üşün ve iste! Onurlu bir erkeğe onurlu bir eş olmayı iste, çocuk doğurmayı iste, ana olmayı iste! İste[,] çok çocuk anası olmayı iste, gürbüz iyi çocuklarla övünmeyi iste! Çocuktan, çocuk yetiştirmekten iğrenen soysuz kadınlardan olma! Hiç unutma ki Türk anası dünyanın en doğurgan kadın[ı]dır. Sen de doğurgan ve iyi ana ol!” I have not seen Baltacıoğlu’s book myself.

the operation occurred. However, there were no newspaper stories regarding illegal abortions, deaths caused by them, and doctors arrested while carrying out illegal abortions in other cities of the Republic of Turkey.

Another important point is that the newspaper stories in *Cumhuriyet* included almost exclusively women who had illegal abortions and died. In other words, there was almost no story regarding a woman who had an illegal abortion but survived and was caught by the authorities. There was an exceptional short newspaper story, entitled as “The doctor who carried out an abortion,”<sup>205</sup> which explained:

In consequence of a revelation which indicated that a doctor in Üsküdar was conducting an abortion, an investigation started and a doctor was caught while he was doing an abortion to a woman. Municipal Police and Administration of Justice extended and deepened the investigation.<sup>206</sup>

This newspaper story was unique in the sense that it neither informed whether the woman was alive or dead after the operation nor included names of the woman and the doctor although other newspaper stories generally provided names of women who had illegal abortions and died and of operating doctors. These names are both of Turkish and non-Turkish origin.

Newspaper stories from *Cumhuriyet* regarding illegal abortions also did not give much information about women who had illegal abortions and died. For instance, the status of women, their social background, whether they were housewives or workingwomen were not stated in addition to the fact that these newspaper stories often explained women’s legal status. A few of them did not give any information about the legal status of women who died because of illegal abortions. In some of the most remarkable newspaper stories related to Katina’s death whose details will be provided below, it was indicated in different

<sup>205</sup> “Kürtaj yapan doktor,” *Cumhuriyet* [Turkish: *Republic*], May 10, 1944, p. 2.

<sup>206</sup> Ibid. Here is the original text in Turkish translated by me: “Üsküdar[']da bir doktorun kürtaj yaptığı ihbar edilmesi üzerine, tahkikata başlanmış ve doktor bir kadına kürtaj yaptığı sırada yakalanmıştır. Zabıta ve Adliye [,] tahkikatı genişletip derinleştirmektedir.”

newspaper stories that the woman conceived a child out of wedlock and Katina was a nurse in a hospital. In addition, newspaper stories neither mentioned the economic gains doctors had through operating illegal abortions nor places in which these illegal operations took place; for instance at women's houses or doctors' places.

Some of the above newspaper stories used some remarkable titles such as “The death because of an abortion,”<sup>207</sup> “A new abortion disaster,”<sup>208</sup> and “The catastrophic doom of a woman who had a miscarriage.”<sup>209</sup> The newspaper story entitled “The catastrophic doom of a woman who had a miscarriage” explains a four-year popular legal case caused by the death of a married woman named Kâmile. Dr. Ratib Ökmen was accused of conducting an illegal abortion and causing Kâmile's death in 1936 according to the newspaper story. In this news, Dr. Ökmen defended himself by claiming that he just examined the lady and sent her to another hospital after he had realized that there was a miscarriage. Dr. Ökmen continued his argument by stating that he had not conducted any operation such as abortion, and he claimed that he should not be responsible for Kâmile's death as he argued that she died after an operation had been done by other doctors in another hospital to which Dr. Ökmen sent Kamile.

It was not possible to find oppositional voice in the newspaper stories regarding the deaths caused by illegal abortions since it was hardly possible to raise a view opposing to the regime at that time. Generally, the events were depicted in a short manner in the newspaper and deaths of women were reported under the section of the news of the country.

<sup>207</sup> “Kürtaj yüzünden ölüm,” *Cumhuriyet* [Turkish: *Republic*], August 25, 1943, p. 2. This newspaper story explains that a 21-year-old woman whose name was Sabahat Kıran and who resided in Aksaray died because of an illegal abortion conducted by an uncertified midwife.

<sup>208</sup> “Yeni bir kürtaj faciası,” *Cumhuriyet* [Turkish: *Republic*], April 25, 1944, p. 2. This newspaper story used a subtitle “Bir Ermeni doktor hakkında tahkikat yapılıyor” [Turkish: “An investigation is being conducted about an Armenian doctor”]. It explains that a 30-year-old married woman whose name was Emel and who resided in Feriköy had an abortion by an Armenian doctor and the five-month baby died but could not be taken from the mother's body. As a result of this, an operation was conducted to get the baby from the mother's body according to the newspaper story. This newspaper story indicates that a legal process started for the doctor, but it does not say anything regarding the woman who had an illegal abortion.

<sup>209</sup> “Çocuğunu düşüren bir kadının feci akıbeti,” *Cumhuriyet* [Turkish: *Republic*], February 3, 1941, p. 2.

Sometimes rather than giving emphasis to women who died during the illegal abortion cases, newspaper stories focused more on the events related to midwives<sup>210</sup> and doctors<sup>211</sup> arrested owing to carrying out illegal abortions or causing some women's death during these surgeries.

Some of the newspaper stories were striking to understand how strictly the early republican regime was controlling abortion cases – even though women did not stop to find new ways to get illegal abortions. In one of the newspaper stories, entitled “An autopsy will be performed for the exhumed dead body,”<sup>212</sup> a remarkable event was described. Due to the fact that somebody revealed to legal authorities that the 20-year-old woman whose name was Katina and who resided in Samatya had died because of having an illegal abortion, her dead body was exhumed and the investigation started. A short time later, another newspaper story entitled “The miserable exhumed girl!”<sup>213</sup> reported that:

After the death of a girl named Katina, the investigation started and the dead body was exhumed since it was revealed that she had died because of having an abortion. The forensic morgue submitted the report that sets the result of the autopsy. At the beginning of the investigation, the name of a person whom she [Katina] knows well was stated, and it was alleged that she became pregnant by this person and he took a hand in causing the illegal abortion. The doctor Hüdaverdi whose name was given in the event was summoned to the Court of Justice and interrogated at the Seventh Chamber of Interrogation. After all, an arrest warrant was issued for him.<sup>214</sup>

<sup>210</sup> For instance: “Bir ebe beş seneye mahkûm oldu” [Turkish: “A midwife was sentenced to five years”], *Cumhuriyet* [Turkish: *Republic*], November 18, 1943, p. 3. The newspaper story explains that the midwife named Araksi conducted an illegal abortion to a young woman named Despina that led to her death around Taksim. In this newspaper story, the name of the woman who had an illegal abortion and died was written also as Daspina.

<sup>211</sup> For example: “Kürtaj yapan doktor” [Turkish: “The doctor who conducted an abortion”], *Cumhuriyet* [Turkish: *Republic*], May 10, 1944, p. 2. A doctor was caught red-handed while he was doing an illegal abortion, according to the newspaper story.

<sup>212</sup> “Mezardan çıkarılan cesede otopsi yapılacak,” *Cumhuriyet* [Turkish: *Republic*], January 25, 1941, p. 2.

<sup>213</sup> “Mezardan çıkarılan zavallı kız!” *Cumhuriyet* [Turkish: *Republic*], February 22, 1941, p. 2.

<sup>214</sup> Ibid. Here is the original text in Turkish translated by me: “Katina isminde bir kızın ölümünden sonra, kendisinin kürtaj sebebiyle öldüğü ihbar edilerek tahkikat başlanmış, cesed, mezardan çıkarılmıştı. Morg, otopsi neticesini tespit eden raporunu vermiştir. Tahkikat başlangıcında, bu kızın yakından tanıştığı birinin adı geçiyor, bundan hamile kaldığı ve çocuğun düşürülmesinde onun rol oynadığı ileri sürülüyordu. Vak’ada adı geçen doktor Hüdaverdi, dün Adliye’ye çağırılmış ve yedinci sorguda ifadesi alınmıştır. Neticede hakkında tevkif müzekkeresi kesilmiştir.”

Three days after the newspaper story shown above, another short newspaper story entitled “The investigation about a death”<sup>215</sup> informed readers about the continuity of the investigation regarding the death of Katina who was a nurse at Balıklı Hospital. Earlier, Katina’s job had not been stated in the newspaper stories. After a short while, it was announced in the newspaper under the title “He was released”<sup>216</sup> that the doctor who was arrested for conducting an abortion to Katina, known as the beauty of Samatya, was released and the investigation would continue in judicature.

It is also possible to see the socio-cultural effects of the ban on abortion and biological control of women’s bodies in society. There was a newspaper story on February 18, 1944<sup>217</sup> which explained that a group of six blackmailers were threatening some doctors by claiming that they were officials from ‘the Command of Martial Law’<sup>218</sup> and making inquiries. They intimated some doctors by saying that they were conducting illegal abortions and the group would provide easiness to the doctors if they paid some money to them. One of them, Dr. Nikolaidis who resided in Beyoğlu informed the authorized body and they played a trick on the group: The doctor pretended to give the money a few days after he was threatened while the officers were waiting in another room, and the blackmailers were caught red-handed.<sup>219</sup> It was remarkable to read this since a group of people thought that it could be an opportunity to threaten doctors in order to get money by using the ban on abortion as a means. On the other hand, it is surprising, though; Dr. Nikolaidis was arrested less than four months after this event owing to causing death to a 32-year-old married

<sup>215</sup> “Bir ölüm hakkındaki tahkikat,” *Cumhuriyet* [Turkish: *Republic*], February 25, 1941, p. 2.

<sup>216</sup> “Serbest bırakıldı,” *Cumhuriyet* [Turkish: *Republic*], March 18, 1941, p. 4.

<sup>217</sup> “Şantaj yaparak 100,000 lira alan kumpanya yakalandı” [Turkish: “The company who obtained 100,000 lira by blackmailing was arrested”], *Cumhuriyet* [Turkish: *Republic*], February 18, 1944, p. 1.

<sup>218</sup> The original term in Turkish is ‘Örfi İdare Komutanlığı’ and the translation in the text belongs to me.

<sup>219</sup> “Şantaj yaparak 100,000 lira alan kumpanya yakalandı” [Turkish: “The company who obtained 100,000 lira by blackmailing was arrested”], *Cumhuriyet* [Turkish: *Republic*], February 18, 1944, p. 3.

woman whose name was Aspasya and who resided in Beyoğlu, while conducting an illegal abortion.<sup>220</sup>

After analyzing the social representation of abortion and motherhood in the journals and newspaper stories, it is also necessary to question to what extent medical institutions or doctors approved abortion. Due to the fact that the ban on abortion was not only a legal process that could be analyzed only through legal frameworks or political discourses, it is crucial to look at how abortion was understood and approached by medical institutions and doctors. As it could be seen from the previous examples shown in the newspaper stories, there were some doctors who did illegal abortions for financial or other reasons. It shows that they did not stick to anti-abortion discourses. On the other hand, there were quite many doctors who obeyed the legal frameworks and did not do abortion by supporting the political conjuncture and discourses in addition to publishing some important books regarding abortion and motherhood. Here, I think it is necessary to indicate a book<sup>221</sup> published in 1944 and written by Cemal Zeki Önal, a doctor and an important intellectual during the early republican period.

Önal's broad in scope book could be analyzed as a scientific material that included information about in which periods women have more chances to get pregnant, why spontaneous miscarriage happen, how miscarriages and abortion should be treated, suggestions to women in order not to have miscarriages, and the legal status of abortion. In addition to this information, this book could also be understood as an important publication which developed a scientific discourse by supporting the anti-abortion stance owing to the

<sup>220</sup> “Kürtaj yapan bir doktor” - [Subtitle:] “Ölüme sebep olduğu için dün tevki edildi” [Turkish: “A doctor who operated an abortion” – “He was arrested yesterday because of causing death”], *Cumhuriyet* [Turkish: *Republic*], June 2, 1944, p. 2. In this newspaper story, readers were reminded that the doctor was the person who had been threatened by a group of blackmailers before, and his name was written only as Andon Nikolaidis. In the newspaper story regarding blackmailing, the doctor's name was written also in different forms such as Nikolâidis and Nikolaidis Andonaki in addition to Nikolaidis.

<sup>221</sup> Cemal Zeki Önal, *Çocuk Düşürmek, Kürtaj* [Turkish: *Miscarriage, Abortion*] (Istanbul: Kader Basımevi, 1944).

fact that the book includes explanations of why women tried to have induced miscarriages and illegal abortions, and slander and fierce criticism of illegal abortions and induced miscarriages while sometimes giving religious references and sharing some illegal abortion and induced miscarriage cases reported in newspapers as a kind of warning. For him, “abortion is a death scythe that cuts humanity up.”<sup>222</sup> Glorification and praising motherhood was also salient in his book since he considered it the vital and primary role of women: “The biggest and most genuine duty of woman in life is being a mother, and loving and hugging her child; this is the biggest nobility and the highest virtue for woman.”<sup>223</sup> This was also related to pro-natalist concerns as he claimed that the country’s ideal was protecting its existence, increasing in numbers, and reproducing.<sup>224</sup>

Mixing the motherhood emphasis with the national duty discourse was present in Önal’s book, for instance:

This [induced miscarriage] is woman’s losing control of herself, her out of sense and conscience, and rising against God. [...] Induced miscarriage: This is destruction of the beautiful and great monument of the natural disposition, and monument of human existence. This removes womanhood from women, compassion from mothers, and strength from homeland.<sup>225</sup>

In this regard, having a child was instrumentalized to have a strong family which was seen as one of the bases of society. In this context, Önal associated having a child with the importance of motherhood and ideal families for the future of the country metaphorically:

The child is the foundation of family and the most effective connection of happiness. This organism [family] cannot stand without him/her [child], a little trauma dissolves the connection, the organism collapses suddenly, and child protects family.<sup>226</sup>

<sup>222</sup> Önal, *Ibidem*, p. 9. Here is the original passage in Turkish translated by me: “Kürtaj: İnsanlığı biçen bir ölüm tırpanıdır.”

<sup>223</sup> *Ibid.*, p. 15. Here is the original text in Turkish translated by me: “Kadının hayatta en büyük ve hakikî vazifesi, anne olmak, çocuğunu sevip, sarmaktır; kadın için en büyük asalet, yüksek fazilet budur.”

<sup>224</sup> *Ibid.*, p. 10.

<sup>225</sup> *Ibid.*, p. 43. Here is the original passage in Turkish translated by me: “Bu[,] kadının kendini kaybetmesi, his ve şuûrundan olması, Tanrı[']ya isyandır. [...] Çocuk düşürme: Hilkatın güzel, büyük abidesini yıkmak insan varlığını yok etmektir. Bu, kadını kadınlığından, anayı şefkatinden, yurdu gücünden eder.”

<sup>226</sup> *Ibid.*, p. 63. Here is the original passage in Turkish translated by me: “Çocuk yuvanın temel taşı, saadetin en kuvvetli bağlantısıdır. Bu yapı onsuz durmaz, ufak bir sarsıntı bağlantıyı çözer, yapı birden çöker, yuvayı çocuk korur.”



To sum up, it could be said that during the early republican period, motherhood and pro-natalism – and its mixing with eugenic concerns in the 1930s and the first half of the 40s - were idealized in society in order to reach the socio-political, economic, and cultural aims of the young republic, which also paved the way of using many articles, books, and newspaper stories as propaganda machines of the regime in order to lead public opinion. It is really controversial to what extent the early republican regime's policy was successful to reach its goals both politically and socially by banning abortion since illegal abortions and induced miscarriages were continuing; however, population increased went on and the Republic of Turkey had 18.790.174<sup>227</sup> inhabitants in 1945. In the conclusion of my thesis, I will briefly indicate the changing discourses and policy implementations of population policy and abortion in the Republic of Turkey after explaining the main aims of my chapters and argument.

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<sup>227</sup> <http://www.tuik.gov.tr/UstMenu.do?metod=temelist> , accessed on May 28, 2014.

## CONCLUSION

This thesis aims to explore the politicization of Turkish women's bodies in policies of motherhood and abortion in early republican Turkey with regard to the limitations of the regime's project of women's emancipation. My main argument in the thesis has been that the early republican regime did not allow women to decide upon their own bodies although it granted many new rights to women to promote their emancipation. I have also argued that the early republican regime instituted a comprehensive legal framework and educational structures as part of which women were supposed to continue their traditional roles and accept male dominance in their private lives, which was an important background of policies on the ban on abortion, pro-natalist concerns, and motherhood propaganda.

The first chapter explained the theoretical background and methodology of my thesis and clarified the key terms used. The chapter was divided into two sections. The first section provided the theoretical background and analytical framework of the thesis. By applying Nira Yuval-Davis's theorization of the relations between nation-state formation and the construction of new gender roles, and of making women the new symbols of new regimes by including them into national collectivities as biological reproducers of nations; I have argued that this framework is applicable to early republican Turkey through the new legislations and the new image of Turkish woman. Concerning the biopolitical transformation of sovereign powers which control reproductive behavior and see the population as a collective entity, these theoretical analyses helped us to understand that the last decades of the Ottoman Empire and the Republic of Turkey had some parallels with regard to pro-natalism and controlling reproductive behavior. On the subjects of the politicization of reproductive behavior, pro-natalist concerns, and abortion in national state structures, Miller's arguments led us to understand the early republican regime granted rights and brought new legal frameworks according to the sexes of the citizens. The second

section of the first chapter discussed the primary and secondary sources used. The section also defined important terms used in my thesis such as *Turkish society*, *Turkish nation*, *Turkish race*, *the early republican regime*, in addition to the description of idiosyncratic nature of Turkish eugenic concerns in the 1930s and the first half of the 40s, in order to clarify the contexts in which the terms were used.

The second chapter aimed at analyzing the project of women's emancipation introduced by the early republican regime of Turkey. The chapter has showed the construction of new gendered roles and the new image of Turkish woman that had burdened with many expectations by the early republican regime such as being a modern mother, a republican wife, and at the same time an integrated workingwoman. This chapter consisted of two sections. Providing an analysis of the process of building the modern Turkish national identity in which women were turned into the new symbols of the country, the first subchapter has analyzed the project of women's emancipation, new legislations, and the new rights granted to Turkish society. It is shown that women were modernized in the public sphere but their traditional and patriarchal roles continued and they were firstly accepted as mothers of the new republic. The second subchapter focused on the 1926 Turkish Civil Law, the 1926 Turkish Criminal Law, and the 1936 Turkish Labor Law, all of which implemented some unequal treatments towards women in their private, family, and social lives. It has been shown that women were still in a secondary position as compared to male members in intrafamilial relations. It has been demonstrated that women were supposed to be responsible for everything related to housework and childcare, which disclosed the limited nature of the project of women's emancipation. Discussing the new educational structures shaped according to the early republican regime's socio-political considerations in which girls were directed to take gendered lessons such as home economics, childcare, practical housework in order to be modern, scientific mothers, and

ideal wives, this subchapter also outlined the limitations of the project of women's emancipation which were important backgrounds for motherhood emphasis and the politicization of women's bodies.

In the third chapter, it was argued that the early republican regime politicized Turkish women's bodies by means of pro-natalist concerns, the ban on abortion, controlling procreative behavior, and the idiosyncratic nature of eugenic discourses. This chapter had three sections. The first section provided a historical background of the legal status of the ban on abortion in the last decades of the Ottoman Empire by analyzing the biopolitical transformation in the Ottoman society during the 19<sup>th</sup> society. It has been demonstrated that controlling reproductive behavior and pro-natalist concerns were similar to the policies of early republican Turkey. Tackling the socio-political conjuncture in which the ban on abortion was implemented and later mixed with eugenic discourses in early republican Turkey, the second subchapter has analyzed that anxieties about the population decline and the effects of pro-natalism were the most important reasons for the ban on abortion. In the analysis of the legal framework of the ban on abortion, it appears that abortion was judged differently and punished more mildly when it came to protect women's and their families' pudicity and honor, which reflected the patriarchal mentality of the early republican regime. Building on primary sources that consist of contemporary journals, books, and the newspaper *Cumhuriyet* and some speeches of Mustafa Kemal, this section showed the glorification of motherhood in legal frameworks, social discourses, and the press propaganda. It has been highlighted that pro-natalism and biological control of women's bodies were mixed with eugenic concerns in the 1930s and the first half of the 40s. To substantiate this point, I focused on the legislative changes in the 1930s. The increase of punishments regarding abortion in 1936 in order to protect the race has been explained. The 1930 Public Health Law and the 1938 Body Discipline Law are analyzed and it is concluded

that they affected the politicization of women's bodies in a stricter manner for the future well-being of the country. Legal frameworks and social discourses show that marriage and childcare were strictly taken under control by the early republican regime together with propaganda. Due to the fact that political and social discourses converged in early republican Turkey and there was hardly any oppositional voice, in the third section of the chapter, social representations of abortion, pro-natalism, and eugenic concerns have been explored. It is shown that a concerted propaganda campaign was waged in the contemporary books, newspapers, and journals which glorified motherhood while abortion was strictly slandered; and illegal abortion cases were depicted in newspaper stories, and especially in the first half of the 1940s.

The politicization of women's bodies by forcing them into procreation and eugenic discourses occurred in the first half of the 20<sup>th</sup> century in many countries, the most-cited examples being those of Nazi Germany and Mussolini's Italy.<sup>228</sup> With the introduction of the Napoleonic Code, abortion was banned in France, and during the Vichy Regime punishments given to illegal abortions were increased. Abortion also continued to be an important matter in other countries in the second half of the 20<sup>th</sup> century. Strict implementations of the ban on abortion were observed in some countries such as Romania from 1966 to 1989.<sup>229</sup> Abortion has been illegal in Ireland, resulting in many women travelling to the United Kingdom to have abortions, and the government initiated a new legislation in 2013 to allow abortion if the pregnancy endangers the mother's life.<sup>230</sup>

<sup>228</sup> See: Maciej Janowski, ed., *East Central Europe: Biopolitics and Eugenics in the First Half of the 20th Century*, vol. 38, no. 1 (Leiden: Brill, 2011).

<sup>229</sup> See: Gail Kligman, *The Politics of Duplicity: Controlling Reproduction in Ceausescu's Romania* (California: University of California Press, 1998) and Luciana M. Jinga et al. ed. *Politica Pronatalistă A Regimului Ceaușescu: Instituții și Practici* [Romanian: *Pronatalist Policy of the Ceausescu Regime: Institutions and Practices*], vol. 2 (Iași: Polirom, 2011).

<sup>230</sup> "Irish law clarifying abortion grounds comes into force," accessed on June 6, 2014, <http://www.bbc.com/news/world-europe-25566657>

Turkey was thus not unique in this respect, but it had nevertheless an idiosyncratic socio-political conjuncture. Until the anxieties caused by the socio-economic results of a growing population began to be discussed, population increase was given much importance. For instance, the 1945 census of Turkey revealed that the population was 18.790.174,<sup>231</sup> and the increase in the population was again praised in the journals and analyzed as a sign of urban development.<sup>232</sup> In spite of the fact that the regime in Turkey changed after 1946 and a multi-party political system was instituted, the Republic of Turkey did not give up pro-natalist policies until the first years of the 1960s; and there were innumerable reports in the newspaper *Milliyet*<sup>233</sup> in the 1950s regarding the deaths caused by illegal abortions and investigations about them. With the improvement of health-system and the decrease in infant mortality rates, pro-natalism was given up. In 1965, a new legislation was enacted. With this legislation,<sup>234</sup> contraceptives were legalized, abortion began to be permitted if there was a medical necessity, and the state initiated to acquaint Turkish society with birth control.

In the 1970s, the discussions related to abortion and birth control continued in Turkey. Policies on abortion and control of women's bodies were transformed but did not come to an end. For instance, some of the popular actresses and singers had to give statements to the public prosecutors since they revealed to the journals that they had had abortions.<sup>235</sup> In 1983, abortion was legalized in Turkey: New regulations allowed women to

<sup>231</sup> <http://www.tuik.gov.tr/UstMenu.do?metod=temelist> , accessed on May 28, 2014.

<sup>232</sup> Tahsin Banguoğlu, "1945 N[ü]fus Sayımından İlk Rakamlar" [Turkish: "The First Figures from the 1945 Census"], *Ülkü: Milli Kültür Dergisi* [Turkish: *Ideal: Journal of National Culture*], vol. 9, no. 99 (November 1945): 11.

<sup>233</sup> The English term for the newspaper is *Nationhood*.

<sup>234</sup> "Nüfus Plânlaması Hakkında Kanun [1965]" [Turkish: "The Law about Population Planning [1965]"], accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc048/kanuntbmmc048/kanuntbmmc04800557.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc048/kanuntbmmc048/kanuntbmmc04800557.pdf)

With The Law about Population Planning [1965], article 156 of the 1930 Public Health Law – the article of awarding women who had six or more children – was abolished.

<sup>235</sup> "Müjde Ar ve Füsun Önal hakkında kürtaj yaptırmaktan takipsizlik kararı verildi" [Turkish: "Lack of Grounds for Legal Action was adjudicated for Müjde Ar and Füsun Önal regarding to having [illegal]

have abortions within ten weeks of pregnancy without any stated reason. With the same legislation,<sup>236</sup> the title of the section related to abortion was also changed from *Felonies against the Integrity and Health of the Race* to *Felonies of Having Miscarriages and Conducting Abortions* in 1983.<sup>237</sup>

However, discussions of abortion in the political environment came up from time to time in Turkish political environment. Attempts to use women's bodies as a political means have been going on, especially with the Justice and Development Party's<sup>238</sup> coming to power after 2002 and a draft law about reproductive rights in 2012.<sup>239</sup> Abortion became again an important public issue following the Prime Minister Recep Tayyip Erdoğan's speeches about abortion and cesarean delivery in 2012: "I am a prime minister who is opposed to cesarean delivery. Secondly, I see abortion as murder. Nobody should be allowed to do this. There is no difference between killing a child in a mother's womb or after his/her birth."<sup>240</sup>

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abortions"], *Milliyet* [Turkish: *Nationhood*], September 16, 1982, p. 6, accessed on June 2, 2014, <http://gazetearsivi.milliyet.com.tr/Ara.aspx?araKelime=m%C3%BCjde%20ar%20k%C3%BCrtaj&isAdv=false> [Registration is needed for access.]

<sup>236</sup> "Nüfus Planlaması Hakkında Kanun [1983]" [Turkish: "The Law about Population Planning [1983]"], accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc066/kanunmgkc066/kanunmgkc06602827.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc066/kanunmgkc066/kanunmgkc06602827.pdf)

<sup>237</sup> The original name of the title *Felonies of Having Miscarriages and Conducting Abortions* in Turkish is *Çocuk Düşürme ve Düşürme Cürümleri*. In order to see the parliamentary speeches regarding the change of the title of the section related to abortion, see: "Milli Güvenlik Konseyi Tutanak Dergisi" [Turkish: "The Official Report Journal of the Council of National Security"], the 147<sup>th</sup> Meeting, May 24, 1983, pp. 219-220, accessed on April 23, 2014, [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/MGK\\_/d01/c009/mgk\\_01009147.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/MGK_/d01/c009/mgk_01009147.pdf)

<sup>238</sup> The original name of the party in Turkish is "Adalet ve Kalkınma Partisi."

<sup>239</sup> See: Nisan Kuyucu & Mehmet Murat Öngel, "Reproductive Rights: New Developments in Turkey" (conference paper presented at the World Congress on Constitutional Law 2014: Workshop on Sexual and Reproductive Rights: Liberty, Dignity, and Equality), accessed on April 30, 2014, <http://www.jus.uio.no/english/research/news-and-events/events/conferences/2014/wccl-cmdc/wccl/papers/ws7/w7-kuyucu%20&%20%C3%B6ngel.pdf>

<sup>240</sup> "Kürtaj bence cinayet" [Turkish: "In my opinion, abortion is murder"], published on May 26, 2012, accessed on June 8, 2014, <http://www.hurriyet.com.tr/gundem/20631116.asp>  
Here is the original text translated by me: "Sezaryen doğuma karşı olan bir başbakanım. İki, kürtajı bir cinayet olarak görüyorum. Buna kimsenin müsaade etmeye hakkı olmamalı. Ha anne karnında bir çocuğu öldürsünüz, ha doğduktan sonra öldürsünüz. Hiçbir farkı yok."

Even though my aim here is not to go further and discuss the current Turkish political system concerning abortion and the attempts to politicize women's bodies or to compare Turkey with other countries with regard to experiences of abortion and eugenic concerns in the first half of the 20<sup>th</sup> century, I hope that the thesis will help us to understand that the politicization of women's bodies and the ban on abortion have been enduring reference points in the political environment and social discourses. Last but not least, I hope that my thesis contributes new elements to the existing literature and paves the way for further research on the contextualization of abortion in Turkey after the Second World War, enabling comparative analyses of Turkey with other countries in terms of politicization of reproductivity and procreative behavior.



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